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TRANSCRIPT OF HEARD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1933

No. 436

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

PANSTEEL METALLURGICAL CORPORATION

Vol. II

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT
OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED OCTOBER 22, 1933
CERTIORARI GRANTED NOVEMBER 21, 1933

IN THE
United States Circuit Court of Appeals
For the Seventh Circuit

No. 6606

FANSTEEL METALLURGICAL CORPORATION,
Petitioner,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

Counsel for Petitioner:

MR. BENJAMIN V. BECKER,
MR. MAX SWIREN,
MR. DON M. PEEBLES,
MR. HAROLD M. KEELE,
MR. SIDNEY H. BLOCK,

Counsel for Respondent:

MR. CHARLES FAHY,

Petition for Review of order of the National Labor Relations Board.

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Cross-Examination.

Q. (By Mr. Swiren.) Did you ever apply for reinstatement or re-employment at the company?

A. I did not.

Q. You did not?

A. No.

Q. If after you and the others were evicted from the building the company had offered to reinstate you without any conditions, were you willing to return to work?

A. I didn't get the question.

Mr. Swiren: Read the question.

(The question was read.)

A. No, not as an individual.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.
(Witness excused.)

Mr. Walsh: I will recall Raymond DuBois.

RAYMOND E. DU BOIS, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) You have already been sworn, have you not?

1333 A. Yes.

Q. How long were you employed by Fansteel?

A. Since Armistice Day, 1935; that is November 11th.

Q. You are a toolmaker?

A. Yes.

Q. You work in the tool room?

A. Yes.

Q. When did you join the union?

A. About the middle of August, I think it was.

Q. 1936?

A. Yes.

Q. Did the plant operate between February 17th and February 26th?

A. No.

Q. When did you draw your last pay?

A. I don't know. It was a week or so after—it must have been around March 10th.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Who gave you your last check?

A. The timekeeper.

Q. Did you talk to anybody about returning to work?

A. No.

Q. Have you been offered re-employment?

A. No, sir.

1334 Q. How much was your hourly rate of pay?

A. 77.

Q. Cents per hour?

A. Yes.

Q. Did you work 40 hours a week?

A. Yes.

Q. How much would your weekly pay amount to?

A. Well, I think it was around \$30.

Q. How much have you earned since February 26th?

A. About \$50.

Q. What were you doing?

A. Well, I contracted a job to put an arch-way into a man's house, and I worked for the Christianson Machine Company, up until I was put in jail. That was about four days work, I think; four or five days work.

Q. You have earned a total of how much?

A. \$50.

Q. You are one of the men who occupied the buildings between February 17th and February 26th, is that correct?

A. Yes.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case, were you not?

A. Yes.

Q. When work stopped on the 17th of February, the management did not ask you to stop work, did they?

1335 A. No.

Q. The stoppage was caused by the men taking over the plant, is that right?

A. Yes.

Q. Have you been offered reinstatement from the plant?

A. No, I have not.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren.) Did you ever apply for reinstatement or re-employment?

A. No.

Q. What?

A. No.

Q. If after the buildings had been evacuated the company had offered you employment without any conditions attached, would you have accepted that offer?

A. No, sir.

Mr. Swiren: That is all.

Q. (By Trial Examiner Dudley.) Mr. DuBois, is this position with the Christianson Machine Company a permanent position, or do you know?

A. It should have been permanent, as a toolmaker, yes.

Q. Are you employed by them now?

A. No. They laid me off because I didn't attend my work.

Q. Do you know whether you can get that position 1336 when you are released from court here?

A. No, I don't. I couldn't tell you that. I haven't seen them.

Q. Are you out now on bond, or are you still in jail?

A. I am out on bond.

Q. Have you gone down and seen anybody at the Christianson Machine Company yet?

A. No, I haven't. I have been subpoenaed into court. I didn't go down.

Trial Examiner Dudley: That is all.

Q. (By Mr. Swiren.) When did you get out of jail?

A. Yesterday.

Q. What time?

A. I guess it was day before yesterday, wasn't it?

Q. The day before yesterday?

A. Day before yesterday.

Q. You have been in court all the time since then?

A. Most of the time.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: I will recall John Kondrath.

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No. 35—Letter of discharge to R. Holm, Sr. dated February 25, 1937	1088	1706
No. 36—Document prepared by company counsel entitled "Range of Pay of Employees of Fan- steel Metallurgical Corporation"	1202	1707
No. 38—Clipping from Waukegan newspaper of February 26, 1937, incorporating statements of management	1337	1707
No. 39—Paper entitled "Permit to work over- time" to be filled out whenever Mr. Holm had a man work overtime	1454	1709
No. 40—Memorandum of information with re- spect to number of employees not working on February 17th who were hired on the reopen- ing of the plant	1482	1711
Nos. 41-A to 41-F—Pages from record book of Evelyn Graimer from January 4th to February 16th reflecting amount of work done by her on a piece-work basis	1496	1713
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No. 39—Excerpt from Section 376 of the Criminal Code of the State of Illinois known as the "Intimidation Section"	1329	1857
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JOHN A. KONDRATH, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified as follows:

1337

Direct Examination.

Q. (By Mr. Walsh.) You are the same John A. Kondrath who has testified before, are you not?

A. Yes.

Q. I believe you testified that you were employed 12 years by the Fansteel Company as a machinist?

A. Yes.

Q. You worked in a tool room, is that right? Is that what you call it, or is it the machine shop?

A. Well, I worked in different departments. I wasn't classed as a machinist all the time.

Q. Just before the strike, were you a machinist?

A. Yes.

Q. Working in the tool, room?

A. Yes.

Q. The plant did not operate between the 17th and 26th of February, did it?

A. No.

Q. When did you draw your last pay from the company?

A. About the middle part of March, I believe.

Q. Did the company take up your pass at that time?

A. They did.

Q. Who gave you your last check?

A. Schardt.

1338 Q. Did you talk to him or anybody else about coming back to work?

A. No, I didn't.

Q. Have you been offered re-employment by the company?

A. No.

Q. How much was your hourly rate?

A. 68 cents an hour.

Q. Did you work 40 hours a week?

A. Yes.

Q. What was your average weekly pay?

A. About \$27.

Q. How much have you earned since February 26th, 1937?

A. \$5.00.

Q. What did you do to earn that?

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FRANK LATZ, recalled as a witness for the National Labor Relation Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) You have already been sworn, have you not, Mr. Latz?

A. What?

Q. You have already been sworn?

A. Yes.

Q. How long have you been employed by Fansteel?

A. About 18 years.

Q. What was your job?

A. Tungsten acid production.

Q. Tungsten acid production?

A. Yes.

Q. Is that in the chemical department?

A. The chemical department.

Q. When did you join the union?

A. About the 1st of July, 1936.

Q. Did the plant operate between February 17th and February 26th?

1346 A. It did not.

Q. When did you draw your last pay there?

A. About the 1st of March.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Did you talk to anybody about coming back to work?

A. No.

Q. Have you been offered re-employment?

A. No.

Q. How much did you get per hour?

A. 68 cents.

Q. How many hours a week did you work?

A. 40.

Q. What was your weekly pay?

A. Oh, about \$28.

Q. How much have you earned since February 26th?

A. About \$80.

Q. What did you do to earn it?

A. Painting.

Mr. Swiren: What was that amount?

Mr. Walsh: \$80, for painting.

Q. (By Mr. Walsh.) You were one of the men who occupied the buildings between February 17th and February 26th?

A. I was.

Q. You were one of the respondents in the contempt 1357 case, and one of the defendants in the injunction case?

A. I was.

Q. When work stopped on February 17th, did the management ask you to stop work?

A. No.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Right.

Q. You have never been offered re-employment by the company?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren.) Did you ever apply for re-employment or reinstatement?

A. No.

Q. If after you and your associates had been evicted from buildings 3 and 5 by the sheriff, the company had offered to re-employ you without any conditions, would you have accepted that offer and gone back to work?

A. No.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: Is Elbert Peters here?

1348 (No response.)

Mr. Walsh: Joseph Richveis.

JOSEPH RICHVEIS, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Collins) Your name is Joseph Richveis?

A. Yes.

Q. Spell the last name, please.

A. R-i-c-h-v-e-i-s.

Q. Were you subpoenaed to appear before the Examiner here, Mr. Richveis?

A. Yes.

Mr. Collins: I would like to claim the privilege of the witness, Mr. Examiner, under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted to the witness.

Q. (By Mr. Walsh) What is your address?

A. 2249 Hervey Avenue.

Q. How long were you employed by Fansteel?

A. 9 years.

Q. What was your job?

A. Wire drawing.

Q. You were in the wire department?

1349 A. Yes.

Q. Did the plant operate between February 17th and February 26th?

A. No, sir.

Q. When did you draw your last pay?

A. It must have been in between March 5th, and about the 8th. I can't recall exactly which day it was.

Q. Did the company take up your pass at that time?

A. They did.

Q. Did you talk to anybody about coming back to work there?

A. No, I didn't

Q. Did anybody ever offer you re-employment?

A. No, sir.

Q. What was your hourly rate of pay?

A. 60 cents an hour.

Q. How many hours a week did you work?

A. How many hours?

Q. Yes.

A. 40 hours.

Q. What would your weekly pay check amount to?

A. \$24.

Q. How much have you earned since February 26th?

A. I have worked three days for the city, but I didn't get paid yet, so I don't know. I don't know what you would call that.

1350 Q. Well, tell us about it. Why have you not been paid?

A. I don't know. I don't know when their pay day is. I don't know if I have got anything coming or not.

Q. If you had been paid, how much would it have amounted to?

A. I heard rumors that they paid \$4.80 a day, but I don't know whether I would get \$4.80 a day or not.

Q. That would be \$14.40, would it not?

A. I think it would be something like that.

Q. So if you collect it, you will have earned it, is that right?

A. Yes.

Q. Normally when you are employed at Fansteel, do you work outside for pay?

A. No, sir.

Q. You were one of the men in the buildings between February 17th and February 26th, were you not?

A. I was.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. I was.

Q. When the work stopped on February 17th, did the management tell you to stop work?

A. They did not.

Q. The stoppage was caused by the men taking over the buildings?

1351 A. Yes.

Q. Isn't that right?

A. Yes.

Q. You have not been offered re-employment at any time since you left, have you?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren) Did you ever apply for reinstatement or re-employment?

A. No, sir.

Q. You knew the plant had resumed operations, did you not?

A. I did.

Q. You did not come back there?

A. Sir?

Q. You did not come back?

A. No.

Q. If after you and your associates had been evicted from buildings 3 and 5 by the sheriff the company had offered to reemploy you without any conditions, would you have accepted that offer and gone back to work?

A. Yes, if the rest of the boys would have went back, I would have went back too.

Q. Otherwise you would not?

A. No, sir.

1352 Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.
(Witness excused.)

Mr. Walsh: Fred Yaeger.

FRED YAEGER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Collins) Your name is Fred Yaeger?

A. Yes.

Q. How do you spell the last name?

A. Y-a-e-g-e-r.

Q. Were you served with a subpoena to appear here before the Examiner today?

A. Yes.

Mr. Collins: I would like to claim the witness' privilege, Mr. Examiner, under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address?

A. 407 South Jackson Street, Waukegan.

Q. How long were you employed at Fansteel?

A. 14 years.

Q. What is your job?

A. Maintenance steamfitter.

1353 Q. When did you join the union?

A. About the first part of July.

Q. 1936?

A. Yes?

Q. Did the plant operate between the 17th and the 26th of February?

A. No, sir.

Q. When did you draw your last pay?

A. Oh, sometime along the first part of March.

Q. Did you go back to the plant to get your check?

A. Yes, sir.

Q. Did the company take up your pass at that time?

A. They did.

Q. Did anybody talk to you about going back to work?

A. No.

Q. Have you been offered re-employment?

A. I haven't.

Q. What was your hourly rate of pay?

A. 80 cents an hour.

Q. How many hours a week did you work?

A. I was working around 40 to 60 hours a week. It all depended on breakdowns, and stuff like that.

Q. Emergency matters would come up?

A. I always averaged 40 to 50 hours a week.

Q. What was your weekly pay usually? What would
1354 it usually run?

A. Around \$40 a week.

Q. How much have you earned since February 26th?

A. About \$50.

Q. What did you do to earn that?

A. I did some gardening work.

Q. Normally when you are working at Fansteel, do you do any work on the outside for pay?

A. I do not.

Q. Are you one of the men who occupied the buildings between February 17th and February 26th?

A. I am.

Q. Were you one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. Right.

Q. When the work stopped on the 17th of February, the management did not ask you to stop work, did they?

A. No.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Right.

Q. How much did you say you got? What was your hourly rate?

A. 80 cents.

Mr. Walsh: That is all.

Cross-Examination.

1355 Q. (By Mr. Swiren) What kind of work did you do at Fansteel?

A. Maintenance steamfitter.

Q. You were a steamfitter?

A. Yes.

Q. In the maintenance department?

A. Right.

Q. Did you ever apply for re-employment or reinstatement?

A. No, I did not.

Q. If after the sheriff evicted you and your associates from buildings 3 and 5 the company had offered to re-employ you without any condition whatever, would you have returned to work?

A. No, sir.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Frank Zelenick.

FRANK ZELENICK, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Collins) Your name is Frank Zelenick?

A. Yes.

Q. Spell your last name.

1356 A. Z-e-l-e-n-i-c-k.

Q. Were you subpoenaed to appear here before the Examiner?

A. I was.

Mr. Collins: Mr. Examiner, I would like to claim his constitutional privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) How long were you employed by Fansteel?

A. 29 months.

Q. You did not give us your address. What is it?

A. 1022 Wadsworth.

Q. What is your job?

A. Annealer in the wire department.

Trial Examiner Dudley: What was that?

Mr. Walsh: Annealer in the wire department.

The Witness: Annealer in the wire department.

Q. (By Mr. Walsh) When did you join the union?

A. July 1936.

Q. Talk up a little louder.

A. All right.

Mr. Swiren: Keep your voice up, please. I cannot hear you back here.

Q. (By Mr. Walsh) When did you join the union?

A. In July 1936.

Q. Did the plant operate between the 17th and 26th 1357 of February?

A. No.

Q. When did you draw your last pay?

A. Oh, about March 7th.

Q. Did the company take up your pass at that time?

A. No. I didn't have it with me. They asked for it.

Q. They asked for it to be turned in, didn't they?

A. Yes.

Q. Did you talk to anybody about coming back to work?

A. We sent a committee over to represent us.

Q. But you yourself never talked with anybody?

A. No.

Q. Were you personally asked to come back to work by anybody?

A. No, I wasn't.

Q. What was your hourly rate of pay?

A. 58 cents an hour.

Q. How many hours a week did you work?

A. 40.

Q. What did your weekly pay amount to?

A. \$23.20.

Q. How much have you earned since February 26th?

A. Nothing.

Q. You are one of the employees—one of the men who occupied the buildings between February 17th and 1358 February the 26th?

A. Yes.

Q. You are one of the respondents in the contempt case—

A. Yes.

Q. —and one of the defendants in the injunction case, are you not?

A. Yes.

Mr. Swiren: What was the answer to that question? I did not hear it.

The Witness: I am.

Q. (By Mr. Walsh) When work stopped on the 17th of February the management did not ask you to stop work, did they?

A. No.

Q. The stoppage was caused by the men taking over the buildings, is that correct?

A. It was a protest, not taking them over; just occupying them.

Q. You are occupied the buildings, is that right?

A. Yes.

Q. You have never been offered reinstatement?

A. No, I haven't.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren) You say the men did not take over the buildings, they just protested?

1359 A. They just occupied the buildings and protested.

Q. They just occupied them?

A. Yes.

Q. And they permitted work to go on in those buildings in the normal way, I take it?

A. No, they did not.

Q. They did not let the sheriff or the company officials come in, did they?

A. They didn't stop them.

Q. They did not do anything to stop them?

A. No.

Q. They did not lock or barricade the doors?

A. I didn't.

Q. None of the men did, did they?

A. I don't know.

Q. You do not know anything about it?

A. No.

Q. Do you know you are under oath?

A. Sure.

Q. Do you mean to sit there and tell the Examiner, and tell everyone here in this courtroom that you do not know anything about it?

A. No.

Q. You do not know anything about the men keeping anybody from coming into the building, is that right?

1360 A. They didn't keep anybody from coming in the building.

Q. What building were you in?

A. Building 5.

Q. No doors were barricaded there? They were not locked?

A. I didn't say they weren't barricaded.

Q. Were they?

A. Maybe.

Q. Tell us whether they were or not?

A. I suppose so.

Q. Tell us "Yes" or "No."

A. I suppose so.

Q. Is that the best answer you can give?

A. Yes.

Q. You want to tell the whole story, I take it. You are not trying to hold anything back?

A. No.

Q. You do not know whether you tried to keep the company officials or the sheriff from coming in to those buildings, do you?

A. I don't think they tried to keep the company officials out.

Q. They did not do a thing about it?

A. No.

Q. Did you ever see the sheriff in there from February 17th to February 26th?

1361 A. I didn't see the sheriff at all.

Q. Did you see his deputies coming in the building?

A. I didn't see his deputies coming in the building.

Mr. Swiren: How much was that?

Mr. Walsh: I beg your pardon?

Mr. Swiren: How much did he earn? How much was that?

The Witness: \$5.00.

Mr. Walsh: \$5.00.

Mr. Swiren: All right.

Q. (By Mr. Walsh) How did you earn that?

A. I got that for political work.

Q. Political work?

A. Yes.

Q. All right. You are one of the men who occupied the plant between February 17th and 26th, are you not?

1339 A. Yes.

Q. Were you one of the respondents in the contempt case and one of the defendants in the injunction case?

A. Yes.

Q. Is that right?

A. Yes.

Q. When the work stopped on February 17th, the management did not ask you to stop work, did they?

A. No.

Q. The stoppage was caused by the men—by a—

A. By a strike.

Q. —by the men taking over the buildings?

A. Yes.

Q. You have never been offered re-employment, have you?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Swiren) Have you ever applied for reinstatement or re-employment?

A. No.

Q. If after you and your associates had been evicted from buildings 3 and 5, the company had offered to reinstate you without any conditions, would you have accepted that offer?

A. Not until all the strikers are back.

1340 Q. Not unless all of them are back?

A. Yes.

Q. You would insist on that, even though the jobs of some 40 of them may have been abolished, is that right?

A. Repeat that question.

Mr. Swiren: Read the question.

(The question was read.)

A. Well, to my knowledge, I would.

Q. (By Mr. Swiren) You would still refuse to go back, is that right?

A. Well, that means that these people that are on strike now, if they are reinstated, I am willing to go back.

Q. You mean, everybody?

A. And if they recognize the Amalgamated Iron, Steel and Tin Workers.

Q. I am talking about your employment now. I am talking about the time when you and the others were evicted from the plant.

What would you say the fact is with respect to what you would have done then?

A. I don't understand you.

Q. I will start over again. You said you would not go back to work after you and the others were put out of buildings 3 and 5 unless all of the men that were in those buildings with you were put back to work?

1341 A. Correct.

Q. Is that right?

A. Yes.

Q. Is your answer the same, even though the jobs of 40 of them had been abolished?

A. It would be the same, yes.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

(Witness excused.)

Mr. Walsh: Herman Latz.

HERMAN LATZ, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Collins) Your name is Herman Latz?

A. Yes.

Q. How do you spell your last name?

A. L-a-t-z.

Q. Were you served with a subpoena to appear here before the Examiner?

A. I was.

Mr. Collins: I would like to claim the witness' privilege under Section 11, paragraph 3, of the National Labor Relations Act, if the Examiner please.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address?

1342 A. 813 Broadway, North Chicago.

Mr. Swiren: Keep your voice up, please, so I can hear you.

Q. (By Mr. Walsh) How long were you employed by Fansteel Company?

A. 14 years.

Q. What is your job?

A. I worked at the sintering department.

Q. Doing what?

A. Sintering tantalum.

Q. When did you join the union?

A. November 4th?

Q. 1936?

A. 1936.

Q. Did the plant operate between February 17th and February 26th?

A. February 17th?

Q. Yes.

A. No.

Q. When did you draw your last pay from the company?

A. It was between March 5th and 8th.

Q. Did the company take up your pass at that time?

A. No. They asked me for the pass, but I told them I lost it.

Q. Did you talk to anybody about coming back to work?

1343 A. No, I did not.

Q. Have you been offered re-employment at the plant?

A. No, sir.

Q. What was your hourly rate of pay?

A. 68 cents an hour.

Q. Did you work 40 hours a week?

A. I was working more, just before the strike. I was working six days a week.

Q. What was your average weekly pay just prior to the strike?

A. About \$35.00 a week.

Q. How much have you earned since February 26th?

A. About \$19.

Q. What did you do to earn that?

A. I washed walls.

Q. Normally while you are employed at the plant do you do any work on the outside for pay?

A. No, sir.

Q. You were one of the men in the buildings between the 17th of February and the 26th of February?

A. I was.

Q. And you were one of the respondents in the contempt case, and one of the defendants in the injunction case, is that correct?

A. I was.

Q. When the work stopped on the 17th of February, 1944 did the management ask you to stop work?

A. No, sir.

Q. The stoppage was caused by the strike, is that right?

A. By the strike, yes.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Swiren) By "the strike" you mean the seizure and retention by you and the others of buildings 3 and 5, do you not?

Mr. Walsh: I mean, the stoppage was caused by the men taking over the buildings, was it not?

The Witness: Yes.

Mr. Walsh: I am sorry. That is the way I meant to put it.

Mr. Swiren: All right.

Mr. Walsh: Excuse me.

Q. (By Mr. Swiren) Did you ever apply for reinstatement or re-employment?

A. No, sir.

Q. If after you and your associates were evicted from buildings 3 and 5 by the sheriff, the company had offered to re-employ you without any condition, would you have accepted that offer and gone back to work?

A. No.

Mr. Swiren: That is all.

1345 Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: I will recall Frank Latz.

Q. In the maintenance department?

A. Yes, sir.

Q. When did you join the union?

A. In July 1936.

Q. Did the plant operate between February 17th and February 26th, 1937?

A. No, sir.

Q. When did you draw your last pay?

A. Some time in March.

Q. Did the company take up your pass at that time?

A. They did.

Q. Did they—who gave you your last check?

A. George Schardt.

Q. Did you talk to anybody about going back to work?

A. I did not.

Q. Have you been offered re-employment?

A. No, sir.

1369 Q. What was your hourly rate of pay?

A. 92 cents an hour.

Q. How many hours a week did you work?

A. 40 hours a week and overtime.

Q. What did your weekly pay amount to just prior to the strike?

A. It averaged about \$46 a week.

Q. How much have you earned since February 26th, 1937?

A. Nothing.

Q. You were one of the men who occupied the buildings between February 17th and February 26th, 1937?

A. I was.

Q. You were one of the respondents in the contempt case and one of the defendants in the injunction case?

A. I was.

Q. When work stopped on the 17th of February, the management did not ask that the work be stopped, did they?

A. No, sir. It was a strike.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Yes.

Q. You have not been offered reinstatement since that time?

A. I have not.

Mr. Walsh: That is all.

Mr. Swiren: Just a minute.

1370

Cross-Examination.

Q. (By Mr. Swiren) Have you applied for re-employment or reinstatement, Mr. Warner?

A. Personally, no.

Q. If after you and your associates had been evicted by the sheriff from the Buildings 3 and 5, and the company had offered reinstatement or re-employment to you without naming any conditions, would you have accepted that offer and returned to work?

A. No, sir, not unless the company recognized the union, and agreed to bargain with them collectively.

Q. By "them," you mean also they would have to take back all of the men who took over buildings 3 and 5, is that right?

A. Without discrimination, yes, sir.

Q. Is your answer to my question "Yes"?

A. Yes.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Joe Aigner.

JOE AIGNER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

1371 Mr. Collins: Will you state your name please?

The Witness: My name?

Mr. Collins: Yes. State your name please.

The Witness: Joe Aigner.

Mr. Collins: How do you spell your last name?

The Witness: A-i-g-n-e-r.

Mr. Collins: You were served with a subpoena, were you, this morning, or yesterday?

The Witness: Yes.

Mr. Collins: I would like to claim the witness' privilege, under Section 11, Paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The witness is granted his privilege.

614 *Witnesses for National Labor Relations Board.*

Q. (By Mr. Walsh) Where do you live, Mr. Aigner?
A. 219 South Park Avenue.

Q. Waukegan?

A. Yes.

Q. How long were you employed by Fansteel?

A. 11 years.

Q. What is your job?

A. Janitor.

Q. Janitor?

A. Yes.

Q. When did you join the union?

1372 A. August 5, 1936.

Q. When did you get your last pay?

A. March 7, 1937.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Who gave you your check?

A. The girl in the office.

Q. Did you talk to anybody about going back to work?

A. No.

Q. Did anybody ask you to come back to work?

A. I asked one fellow if he would give me an application blank, and he gave it to me.

Q. He gave you an application blank?

A. Yes. I didn't hear nothing about it.

Q. You did not hear anything any more?

A. No.

Q. How much did you get an hour when you worked down there?

A. 49 cents.

Q. How many hours a week did you work?

A. 40 hours.

Q. How much was your weekly pay? What did your weekly pay amount to?

A. \$19.60.

Q. How much have you earned since February 26th?

A. Not a cent.

1373 Q. Are you one of the men who was in the buildings?

A. Yes.

Q. You were one of the respondents in the contempt case?

A. No.

Q. You were not?

A. No.

Q. Do you know whether you were one of the defendants in the injunction case?

A. No.

Mr. Keele: He was not a defendant. I do not know whether he was a respondent or not.

Q. (By Mr. Walsh) You mean, you have not been sued yet?

A. No. Nobody has said nothing to me.

Mr. Keele: I do not think he was a respondent. I do not know.

Q. (By Mr. Walsh) When work stopped on February 17th, the management did not ask that the work be stopped, did they?

A. No, I didn't hear nothing.

Q. The stoppage was caused by the men taking over the buildings, wasn't it?

A. I don't know. I didn't hear anything. I was at the other end.

Q. You were in the other end of the buildings?

A. I was in the other end.

Q. All right.

1374 A. Nobody bothered me.

Q. Nobody bothered you?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) What building were you in?

A. No. 3.

Q. You were there on the 17th of February, were you not?

A. Yes.

Q. And on the 18th?

A. Yes.

Q. And on the 19th?

A. Yes.

Q. And right on through until the 26th?

A. I was there until the last, you bet.

Q. You were there until the morning of the 26th?

A. Yes.

Q. You went into those buildings at the same time the other men who were in there during that period went in to them, on the afternoon of the 17th of February?

A. The 17th, I was in there.

Q. You went in there at the same time the other men went in there and took over those buildings?

A. Yes.

Q. You stayed there until they left?

1375 A. Yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: I wonder if we may have a short recess at this time?

Trial Examiner Dudley: I will declare a recess.

(A short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order, again. You may proceed.

Mr. Walsh: I will recall Paul Wells.

PAUL WELLS, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified as follows:

Direct Examination.

Mr. Walsh: This witness has testified before, your Honor.

Trial Examiner Dudley: Were you on the stand before?

The Witness: Yes.

Mr. Walsh: This is Paul Wells.

Trial Examiner Dudley: Proceed.

Q. (By Mr. Walsh) How long were you an employee at Fansteel?

A. About 10 months.

1376 Q. What was your job?

A. Apprentice, in the tool room.

Q. When did you join the union?

A. In July 1936.

Q. Did the plant operate between the 17th and the 26th of February 1937?

A. No, sir.

Q. When did you draw your last pay?

A. On the 5th of March, or just after that.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Did you go to the plant to receive your check?

A. I did.

Q. Did you talk to anybody there about going back to work?

A. No, sir.

Q. Have you been offered reinstatement since that time?

A. Well, just one night, when—

Q. I believe you testified the other day concerning that incident, did you not?

A. Yes.

Q. What was your hourly rate of pay?

A. 52 cents.

Q. How many hours a week did you work?

A. 40.

Q. What was your average pay check every week?

1377 A. It came to \$20.80.

Mr. Swiren: What was that amount?

Mr. Walsh: \$20.80.

Mr. Swiren: All right.

Q. (By Mr. Walsh) How much have you earned since February 26th?

A. \$10.25.

Q. What did you do to earn that money?

A. I worked down at Onwentsia Country Club.

Q. Normally when you are employed at Fansteel, do you work outside?

A. No, sir.

Q. You are one of the men who occupied the buildings between the 17th and 26th of February?

A. I am.

Q. You were one of the defendants in the injunction suit—

A. Yes.

Q. —and one of the respondents in the contempt proceeding?

A. Yes.

Q. When the work stopped on the 17th of February, the management did not ask you to stop work, did they?

A. No, sir, they didn't.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Yes, sir.

1378 Q. Since February 26th you have never been offered reinstatement other than with reference to this incident concerning which you testified the other day, is that right?

A. That is right.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele) Were you in either building 3 or building 5 during the entire period from February 17th to 26th?

A. Yes, sir.

Q. You never have made application for reinstatement, have you?

A. No, sir, I never did.

Q. What was this statement you made about this incident which you say you testified about with reference to being asked to return to work? Will you tell us about that?

A. One of the boys from the poolroom came down to see me one night. He asked me if I wanted to go back to work or not. He says "Do you want to work or not?" I told him "No, not until the rest of them go back."

Q. That was Chester Hook, was it not?

A. Yes.

Q. He is an apprentice in the tool room?

A. He is.

Mr. Keele: That is all.

Mr. Walsh: That is all.

1379 Trial Examiner Dudley: You may be excused.
(Witness excused.)

Mr. Walsh: I will call Edward Schuman.

EDWARD SCHUMAN, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Edward Schuman?

The Witness: Edward Schuman.

Mr. Collins: Spell the last name for the reporter.

The Witness: S-c-h-u-m-a-n.

Mr. Collins: Were you served with a subpoena, Mr. Schuman?

The Witness: A what?

Mr. Collins: Were you served with a subpoena?

The Witness: I don't know just what you mean.

Q. (By Mr. Walsh) Did you get a subpoena?

A. No, I didn't.

Q. You have never had a subpoena?

A. Not that I know of.

Mr. Keele: Let the record show he did get one.

Mr. Walsh: I think he got one.

Mr. Collins: He received one, but he does not know what it is.

Mr. Keele: Let the record show he received one.

1380 Mr. Collins: Let the record show that the witness was subpoenaed, and that I claim his privilege, if the Examiner please, under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

Q. (By Mr. Walsh) What is your address?

A. 323 McKinley Avenue.

Q. How long were you employed at Fansteel?

A. Between 7 and 8 years.

Q. What is your job?

A. Contact point cutter.

Q. When did you join the union?

A. Last July.

Q. Did the plant operate between the 17th of February and the 26th of February?

A. No, sir.

Q. When did you draw your last pay?

A. Between the 1st and 5th of March.

Q. Did the company take up your pass at that time?

A. They did.

Mr. Swerin: Speak up a little louder, please.

Mr. Walsh: You will have to keep your voice up so Mr. Swiren can hear you back there.

Q. (By Mr. Walsh) Did your company take up your pass at that time?

A. They did.

Q. Did you go down to the plant to get your pay?

A. Yes, sir.

Q. Did you talk to anybody there about going back to work?

A. At the time they took up my pass, Bill Schultz asked me—

Q. Speak up a little.

Mr. Swiren: Wait a minute. I cannot hear a word the witness is saying back here.

Mr. Walsh: Keep your voice up.

The Witness: At the time they took up my pass, Bill Schultz asked me if I would like to sign a reinstatement card.

Q. (By Mr. Walsh) Did you sign a reinstatement card?

A. No, sir.

Q. Have you had any offers of re-employment since that time?

A. No, sir.

Q. How much was your hourly rate of pay?

Mr. Swiren: That is objected to on the ground this witness was asked to return to work.

Trial Examiner Dudley: Objection overruled.

Q. (By Mr. Walsh) What was it?

A. I worked mostly piece work but we had an hourly rate of 55 cents.

Q. How much did you earn working on piece work?

A. Between \$30 and \$35 a week.

1382 Q. That was your weekly pay, between \$30 and \$35 a week?

A. Yes.

Q. That was paid on a piece work basis?

A. Piece work basis.

Q. How much have you earned since February 26th?

A. \$35.

Q. What did you do to earn that?

A. Painting.

Q. Normally when you are working at the plant, do you do any work on the outside?

A. None.

Q. Were you one of the men in the buildings?

A. Yes.

Q. You were there from the 17th to the 26th of February?

A. Yes.

Q. You were one of the respondents in the contempt case?

A. Just what do you mean?

Q. Well, were you in this trial last week?

A. Yes, I was in the trial.

Q. You were one of the defendants in the injunction case?

A. Yes.

Q. When work stopped on the 17th of February did the management ask that the work be stopped?

A. No.

Q. The stoppage was caused by the men taking over the buildings?

A. Yes.

Q. Is that right?

A. Yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) Did I understand you to say that you were asked to come back to work?

A. Yes.

Q. Who asked you?

A. Bill Schultz.

Q. You refused to come back?

A. Yes.

Q. You were in Building 3 from February 17th to February 26th, inclusive, were you not?

A. Yes.

Q. You were in there all the time that the other men were keeping those buildings?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: Mr. Examiner, this witness is engaged in working now. If the respondent needs him later, we will produce him. If I may I would like to ask that he be excused from further attendance at this time.

Mr. Keele: That is all right.

1384 Trial Examiner Dudley: Very well. You may be excused.

Mr. Walsh: Just a moment. I would like to ask one or two questions more.

Trial Examiner Dudley: Very well.

Redirect Examination.

Q. (By Mr. Walsh) How much money did you earn since February 26th?

A. Since February 26th?

Q. Yes.

A. \$35.

Q. You earned that by painting, I believe you said?

A. Yes.

Q. You are working now, painting?

A. Yes.

Q. Is that a permanent employment?

Q. Did you see gas coming in?

A. No.

Q. You did not see any gas coming in?

A. I felt it. I didn't see it.

Q. You felt it. You knew there was gas coming in, did you not?

A. Yes.

Q. Could you tell the difference between gas and the ordinary air?

A. It was smoke.

Q. Oh; you did see it?

A. Well, I suppose so.

Q. Let us be honest now, and tell the whole story.

A. I suppose smoke is gas.

Mr. Walsh: I think the question was "Did you see gas coming in?"

Mr. Swiren: He saw gas coming in. He just said so.

The Witness: I didn't see it coming in. I seen it after it was in.

Mr. Walsh: I think he answered the question correctly.

Q. (By Mr. Swiren) Did you get out, yourself?

A. When was that?

1362 Q. When the gas started coming in?

A. Not on the 19th, no.

Q. No. Did you think the sheriff and the company were trying to get possession of the building again?

A. I suppose they were.

Q. They did not get in, then, did they?

A. No.

Q. Were the doors open then?

A. I don't think they were at the time.

Q. After the sheriff started to put gas into building 3 on the 26th, you and the other men came out of building 5, is that right?

A. Yes.

Q. Up to that time you stayed in?

A. Sure.

Q. You did not care whether the company or the sheriff came in building 5 during that entire period?

A. I didn't care if they came in.

Q. You did not care if they sent you home?

Trial Examiner Dudley: I think that question is subject to the point I raised a while ago.

Mr. Swiren: The witness raised the point on direct exam-

ination, when he said there was a protest. I want to find out what that protest was.

Trial Examiner Dudley: Have you anything else?

1363 Q. (By Mr. Swiren) Did you ask to come back to work? Did you apply for reinstatement?

A. We sent our committee up there—

Q. Did you personally apply?

A. Did I personally apply?

Mr. Swiren: I ask for a direct answer, Mr. Examiner.

Q. (By Trial Examiner Dudley) Did you talk with any of the officials of the company personally?

A. No, I didn't speak with any of the officials.

Trial Examiner Dudley: He says "No."

Q. (By Mr. Swiren) If at the time the sheriff evicted you and your associates from buildings 3 and 5, the company had offered you re-employment, do I understand that you would have accepted that offer and gone back to work?

A. If they would have recognized the union.

Q. And taken back all the men who had sat down in the plant with you, is that right?

A. Yes.

Q. Otherwise you would not have gone back?

A. No.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: I will recall Carl Swanson.

1364 CARL SWANSON, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Mr. Waish: This witness has previously testified, your Honor.

Trial Examiner Dudley: Very well. Proceed.

Q. (By Mr. Walsh) I believe you testified you had been employed by the Fansteel Company for 17 years?

A. Since 1920.

Q. Since 1920?

A. Yes, off and on.

1365 Q. You are in the maintenance department, and your job is that of a millwright, is that right?

A. Millwright, yes.

Q. Was that your last job?

A. I was kind of an assistant foreman towards the end. That is the title they gave me.

Mr. Swiren: I am afraid I cannot hear you. Tell me that again, so I can understand you.

Mr. Walsh: Read the answer, please.

(The answer was read.)

Q. (By Mr. Walsh) When did you join Lodge 66?

A. July 1936.

Q. Did the plant operate between the 17th of February and the 26th of February?

A. No, sir.

Q. When did you draw your last pay?

A. In March some time.

Q. Did the company take up your pass?

A. Yes.

Q. Did you talk to anybody about coming back to work other than the meetings that were had with the management, that you carried on as a representative of the union?

A. No, sir.

Q. Did anybody offer you re-employment?

A. No, sir.

1366 Q. What was your hourly rate of pay?

A. 95 cents an hour.

Q. How many hours a week did you work?

A. Night and day, almost.

Q. What did your weekly pay amount to?

A. Anywhere from \$40 to \$45 or \$50. It all depends on the hours.

Q. Could you give us an average? What was your pay check from the 1st to the 15th of February?

A. I don't remember that.

Q. Do you think it averaged somewhere around \$45 or \$50 a week?

A. Somewhere around there, yes.

Q. How much have you earned since February 26th?

A. Nothing.

Q. You were one of the men who occupied the buildings between the 17th and the 26th of February?

A. Yes.

Q. You were a respondent in the contempt case and a defendant in the injunction case, were you not?

A. Yes.

Q. When the work stopped on February 17th, the management did not order the work stopped, did they?

A. No.

Q. The stoppage was because the men took over the 1367 buildings, is that right?

A. Yes, sir.

Q. You have never been offered re-employment, is that correct?

A. That is correct; I have not

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren) Did you ever apply for reinstatement or re-employment?

A. No, sir.

Q. If after you and your associates had been evicted from Buildings 3 and 5 by the sheriff, your company offered to re-employ you or reinstate you, without naming any conditions, would you have accepted that offer and gone back to work?

A. No, sir.

Q. What was your answer to that?

A. No, sir.

Q. You say "No, sir"?

A. Yes.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: I will recall Charles Warner.

CHARLES T. WARNER, recalled as a witness for the
1368 National Labor Relations Board, being previously
duly sworn, further testified as follows:

Direct Examination.

Q. (By Mr. Walsh) How long were you employed by Fansteel, Mr. Warner?

A. Approximately 14 years.

Q. What is your job?

A. Electrician.

A. No.

Q. How much was your hourly rate?

A. 90 cents an hour.

Q. How many hours a week did you work?

A. It was a 40 hour week basis.

Q. What did your weekly pay amount to?

A. \$36.

Q. How much have you earned since February 26th?

A. As near as I can figure, \$80.41.

Q. What—

Mr. Swiren: What was that amount?

The Witness: \$80.41.

Mr. Walsh: \$80.41.

Mr. Swiren: All right.

Q. (By Mr. Walsh) What did you do to earn this money?

A. Well, part of it I earned at my trade, and the rest of it I earned working at a nursery out in Libertyville. I also earned part of it painting.

Q. You are one of the men who occupied the buildings between the 17th and the 26th of February?

A. I am.

Q. You were one of the respondents in the contempt case, were you not?

1392 A. Yes.

Q. You were one of the defendants in the injunction case, were you not?

A. Yes.

Q. When work stopped on February 17th the management did not stop the work, did they?

A. No.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Yes.

Q. You never have been offered re-employment since that?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) Have you ever made application for re-employment, Mr. Ruck?

A. Yes.

Q. You did make application?

A. I did.

Q. Are you working at the present time?

A. No.

Q. Are you not employed?

A. No.

Q. You were in Building 3, were you not?

A. Building 3, yes.

1393 Q. You were there from February 17th at 2:30 in the afternoon until the morning of the 26th, is that correct?

A. Yes.

Q. When did you make your application for re-employment?

A. I think it was somewhere around the end of March. I don't know just when it was. It was toward the end of the month of March.

Q. Did you have any conversation at that time with anybody? To whom did you make your application? I will put it that way.

A. Well, Luther Henry took my application.

Q. That application was made you say in the latter part of March?

A. Yes.

Q. The latter part of March?

A. Yes, the latter part of March.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused)

Mr. Walsh: Charles G. Fulkerson.

CHARLES G. FULKERSON, SR., called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: State your name.

1394 The Witness: Charles Fulkerson.

Mr. Collins: Your name is Charles G. Fulkerson, is it not?

The Witness: Charles G. Fulkerson.

Mr. Collins: Charles G. Fulkerson, Sr.?

The Witness: Yes.

Mr. Collins: Were you served with a subpoena?

The Witness: Yes.

Mr. Collins: I would like to claim the privilege of this wit-

ness under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

Direct Examination.

Q. (By Mr. Walsh) What is your address, Mr. Fulkerson?

A. 511 Fulton Avenue.

Q. How long were you employed by Fansteel?

A. 22 years.

Q. What is your job?

A. Working in the contact department, the cutting department.

Q. The contact cutting department?

A. Yes.

Q. When did you join the union?

A. The first of July.

Mr. Swiren: You will have to keep your voice up.

1395 Mr. Walsh: Speak up a little louder, so Mr. Swiren can hear you.

The Witness: The 1st of July.

Q. (By Mr. Walsh) 1936?

A. Yes.

Q. The plant did not operate between February 17th and February 26th, did it?

A. No, sir.

Q. Did you—when did you receive your last pay?

A. Some time in March.

Q. Did the company take up your pass when you got your check?

A. Yes.

Q. Did you talk to anybody about going back to work there?

A. No.

Q. Have you been offered re-employment?

A. No, sir.

Q. What was your hourly rate of pay?

A. The day rate was 55 cents.

Q. Did you sometimes work on a piece rate?

A. Yes; most of the time.

Q. Most of the time on a piece rate?

A. Yes.

Q. How many hours a week did you work?

A. 40 hours a week.

- Q. What did your weekly pay amount to?
- 1396 A. Between \$30 and \$35.
- Q. How much have you earned since February 26th?
- A. I haven't earned anything.
- Q. Are you one of the men who occupied the buildings between February 17th and February 26th?
- A. Yes, sir.
- 1397 Q. You were one of the respondents in the contempt case—
- A. Yes.
- Q. —and one of the defendants in the injunction case?
- A. Yes.
- Q. When the work stopped on February 17th, did the management ask that the work be stopped?
- A. No.
- Q. The stoppage was caused by the men taking over the buildings, is that correct?
- A. Yes.
- Q. You have not had any offers of re-employment, have you?
- A. No, sir.
- Mr. Walsh: That is all.

Cross-Examination.

- Q. (By Mr. Swiren) Did you apply for reinstatement or re-employment, Mr. Fulkerson?
- A. No.
- Q. If after the sheriff had evicted you and your associates from the buildings on the 26th of February, the company had offered to re-employ you without any conditions would you have accepted the offer and gone back to work?
- A. If the company would have bargained with our union, I would have.
- Q. Without regard to whether any of the other men went back to work or not?
- 1398 A. If they bargained collectively, I would have went back to work.
- Q. Regardless of whether the other men would have gone back to work or not?
- A. I think they would have all gone back.
- Q. What is that?
- A. I think they all would have gone back, if they would bargain collectively.

Q. Regardless of whether the company rehired all of them, would you go back alone?

A. If they would have bargained collectively, I would have went back.

Q. You do not know whether the company is bargaining collectively now, do you?

A. I don't think so.

Q. Do you know? You are not working at the plant, are you?

A. No.

Q. Did you talk to any company official and say that if the company would bargain collectively you would like to come back to work?

A. No.

Q. You did not say that to anybody?

A. (No answer.)

Q. You did not make your views known to the company?

A. No, sir.

1399 Q. Did you write a letter to that effect, or send a telegram?

A. No, sir.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Andy M. Anderson.

ANDY M. ANDERSON, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Andy M. Anderson?

The Witness: Yes.

Mr. Collins: Were you served with a subpoena, Mr. Anderson?

The Witness: Yes.

Mr. Collins: If the Examiner please, I would like to claim the witness' privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) Where do you live, Mr. Anderson?

A. 142 McKinley Avenue.

Q. Talk up a little louder, so everybody can hear you.

A. 142 McKinley.

1400 Q. How long were you employed by Fansteel?

A. I couldn't say exactly. I think it is about 16 or 17 years ago since I started working there.

Q. What job do you have down there?

A. Carpenter.

Q. You are in the maintenance department?

A. Yes, sir.

Q. When did you join the union?

A. Sometime last summer. I don't recollect when it was. I couldn't say what month it was. It might have been in July or August or something. I'm not so sure of that.

Q. Did the plant operate between February 17th and February 26th?

A. Of this year?

Q. Yes, 1937.

A. No.

Q. When did you draw your last pay from there?

A. After the 27th; I don't remember what date it was after.

Q. It was after the 27th of February?

A. Yes.

Q. Did the company take up your pass when you drew your pay?

A. Yes.

Q. Did anybody talk to you about going back to work?

A. No.

Q. Has anybody down there offered you re-employment?

1401 A. No.

Q. How much was your rate of pay, your hourly rate of pay?

A. My regular hourly rate of pay—I'm not so positive about that, because since I was there, we were getting different rates.

Q. What were you getting just before the strike?

A. The last two weeks of pay of mine—the last pay was \$78, and some cents. I don't recall exactly how many cents it was.

Q. But for the last two weeks—

A. It was a full pay, a forty hour week.

Q. How much have you earned since February 26th?

A. I haven't earned anything.

Q. Are you one of the men who occupied the buildings between the 17th and 26th of February?

A. Yes, I am.

Q. Were you one of the respondents in the contempt case and one of the defendants in the injunction case?

A. Yes, I was there.

Q. When work stopped on the 17th of February, did the management ask that the work stop?

A. Work stopped on the 17th, yes, sir.

Q. I say, did the management ask that the work be stopped?

A. No.

Q. The stoppage was caused by the men taking over 1402 the buildings, was it not?

A. Yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) How old are you, Mr. Anderson?

A. (No answer.)

Mr. Walsh: I think he is a little hard of hearing, Mr. Keele. You will have to speak a little louder.

Q. (By Mr. Keele) How old are you, Mr. Anderson?

A. A little over 70.

Q. What was the amount of your paycheck, did you say, for the last two weeks? What was that pay check?

A. \$78 and some cents, if I ain't mistaken.

Q. You received almost \$90 for those two weeks?

A. Yes.

Q. And you are over 70?

A. Yes.

Q. You were in the buildings from the 17th to the 26th of February?

A. Yes.

Q. You have not earned anything since, is that right?

A. No.

Q. How long had you worked there?

A. 16 or 17 years; I can't say for certain.

Q. 16 or 17 years?

1403 A. Well, maybe it is more. I don't recollect exactly.

Q. What did you do there?

A. Carpenter work.

Q. Did you work there steadily for the last 16 or 17 years?

A. Not steadily. There was slack times that I didn't do hardly anything. I was called off and on, but the last couple of times I worked steady, pretty steady, especially last year.

Q. Your pay checks ran along about that much usually, almost \$40 a week?

A. Not always. Sometimes I didn't get in full time. That is the full time. I got full time then.

Q. On that basis—

A. I don't know what the rate by the hour was.

Q. You do not even know what your rate was?

A. I never asked. That was always,—the foreman, I guess, has charge of that.

Q. You were satisfied with what they gave you?

A. I was satisfied.

Q. You were in there from the 17th of February to the 26th of February?

A. Yes, I was.

Q. You did not make any application for re-employment, did you?

A. No, I didn't.

Q. Why did you not, Mr. Anderson?

1404 A. Because I belong to the same organization as the rest of them did.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Allen White.

ALLEN WHITE, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Allen White?

The Witness: Yes.

Mr. Collins: Were you served with a subpoena, Mr. White?

The Witness: Yes.

Mr. Collins: I would like to claim the witness' privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

A. It is contract work I do for myself, outside and inside both.

Mr. Walsh: I see. That is all.

Trial Examiner Dudley: Is that all, Mr. Keele?

Mr. Keele: That is all.

Trial Examiner Dudley: Let the record show Mr. Schuman is excused from further attendance at this time.

(Witness excused.)

Mr. Walsh: Eugene Hendee.

EUGENE D. HENDEE, called as a witness for the
1385 National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Eugene D. Hendee?

The Witness: Yes.

Mr. Collins: You were served with a subpoena, were you not?

The Witness: Yes.

Mr. Collins: I want to claim the privilege of this witness, Mr. Examiner, under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address?

A. Mundelein, Illinois.

Q. How long were you employed by Fansteel?

A. Four and a half months.

Q. What is your job?

A. Millwright.

Q. When did you join the union?

A. Either the last of October or the first of November.

Mr. Swiren: Speak a little louder, please.

The Witness: Either the last of October or the first of November.

Q. (By Mr. Walsh) Did the plant operate between the 17th and 26th of February?

1386 A. No.

Q. When did you draw your last pay?

A. On the 5th of March.

Q. Did the company take up your pass at that time?

A. I got, I think, a couple of dollars earlier than that, and they took my pass up then.

Q. Did you talk to anybody about going back to work then?

A. No.

Q. Have you been offered re-employment?

A. No.

Q. What was your hourly rate of pay?

A. 75 cents.

Q. 75 cents per hour?

A. Yes.

Mr. Swiren: What was that?

Trial Examiner Dudley: 75 cents an hour.

The Witness: 75.

Q. (By Mr. Walsh) What job did you have?

A. Millwright.

Q. You were a millwright in the maintenance department?

A. Yes.

Q. How long did you work every week? How many hours per week did you work?

A. Usually between 40 and 60, probably 60 hours.

Q. What was your weekly pay?

1387 A. Between \$35 and \$40.

Q. How much have you earned since February 26th?

A. I don't know exactly. I have been working for about the last five or six weeks, not counting while the trial was going on.

Q. What were you doing?

A. Carpenter work.

Q. How much were you making doing that?

A. 80 cents an hour.

Q. How many hours a week did you work?

A. 48. It wasn't always 48, because they don't work when it rains.

Q. How much money have you earned at carpenter work, do you know?

A. It is over \$100. I don't know exactly. I haven't got the figures.

Q. Will you get those figures, and let me know what they are?

A. Yes.

Q. You are one of the men who occupied the buildings between February 17th and February 26th?

A. Yes, sir.

Q. Were you one of the respondents in the contempt case?

A. Yes.

Q. Were you one of the defendants in the injunction case?

1388 A. Yes.

Q. When work stopped on the 17th, did the management ask you to quit work?

A. No.

Q. The stoppage was caused by the men taking over the buildings?

A. Yes.

Q. You have not been offered re-employment since you left the plant?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele) Have you ever made application to come back to the company?

A. No.

Q. Mr. Hendee, I did not quite understand about the money you have earned. You say you have earned over \$100; do you mean you have earned that, or you have been paid that?

A. I have been paid more than that.

Q. Is there any money owing you at the present time?

A. Just for this week.

Q. That would amount to how much?

A. It is \$6.40 a day; two days, up to noon today.

Q. That would be four days at \$6.40?

A. Pardon me?

1389 Q. That would be \$6.40—that would be four days at \$6.40?

A. No. That would be two and a half days at \$6.40 a day.

Q. I beg your pardon. That is right.

A. Yes.

Q. Would you have gone to work for the company after February 26th, if you had your job offered to you without any conditions attached?

A. No.

Mr. Keele: That is all.

Q. (By Trial Examiner Dudley) Have you earned over \$150 since February 26th?

A. I don't think so.

Q. Have you earned \$175?

A. No.

Q. You are sure?

A. I don't think it is or r—I don't think it is \$150 yet. I can get those figures, because they have them in checks, I believe, or receipts.

Trial Examiner Dudley: All right. Is that all, Mr. Walsh?

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: I will recall Ed Ruck.

1390 ED RUCK, recalled as a witness for the National Labor Relations Board, being previously duly sworn, further testified as follows:

Direct Examination.

Mr. Walsh: This witness has already testified, your Honor.

Trial Examiner Dudley: Very well.

Mr. Walsh: How long had you been employed by Fansteel?

The Witness: Approximately 19 years and three months.

Q. (By Mr. Walsh) What was your job?

A. Automatic screw machine operator.

Q. Was that in the machine department?

A. The machine shop.

Q. The machine shop.

A. Yes.

Q. When did you join the union?

A. About the middle of July 1936.

Q. The plant did not operate from the 17th until the 26th of February, did it?

A. No.

Q. When did you draw your last pay?

A. It was somewhere around the middle of March. I don't know the exact day.

Q. Did the company take up your pass at that time?

A. They did.

Q. Did you talk to anybody about going back to work?

1391 A. No.

Q. Have you been offered reinstatement?

634 *Witnesses for National Labor Relations Board.*

Mr. Collins: Were you served with a subpoena, Mr. White?

A. 827 Eighth Street.

Q. How long were you employed by Fansteel?

A. 12 years.

Q. What job did you have?

A. Diamond die polishing?

1405 Q. When did you join the union?

A. August, 1936.

Q. Did the plant operate between February 17th and February 26th?

A. No.

Q. When did you draw your last pay?

A. On March 5th.

Q. Did the company take up your pass at that time?

A. No.

Q. They have never taken up your pass?

A. No.

Q. Did you talk to anybody about going back to work there?

A. Not connected with the company.

Q. Did someone working there ask you to come back to work?

A. My brother asked me to go down and talk to some of the officials.

Mr. Swiren: What is that?

Mr. Walsh: His brother—

The Witness: My brother—

Mr. Walsh: —asked him to go down and talk to some of the officials.

The Witness: That is right.

Q. (By Mr. Walsh) What was your hourly rate of pay?

A. 57 cents.

Q. How many hours a week did you work?

1406 A. 40 hours.

Q. How much was your weekly pay?

A. \$22.80.

Q. How much have you earned since February 26th, 1937?

A. On one job I collected \$14.40. I have been working for my brother. I don't know what I will get on that.

He is going to pay me.

Q. What kind of work did you do?

A. Painting.

Q. Are you painting for your brother now?

A. Yes.

Q. And the compensation has not been determined, is that right?

A. No. It is in the family.

Q. Does he furnish the paint?

A. Yes.

Q. When you worked normally at Fansteel you did not work on the outside, did you?

A. No, sir.

Q. You are one of the men who occupied the buildings between February 17th and February 26th?

A. No, sir.

Q. Were you one of the respondents in the contempt case?

A. No, sir.

Q. Or one of the defendants in the injunction case?

1407 A. No, sir.

Q. You were not in the plant during that period?

A. I was there one night, the first night.

Q. The first night?

A. Yes.

Q. What time did you leave the plant?

A. I left there at seven o'clock Thursday morning, on the 18th of February.

Q. When the work stopped on the 17th, the management did not order it to be stopped, did they? The management did not order the plant to be shut down, did they?

A. No.

Q. The stoppage was caused by the men taking over the plant, is that right?

A. Yes.

Mr. Walsh: That is all.

Crosss-Examination.

Q. (By Mr. Keele) You were there jut one day—

A. Yes.

Q. —during the time the buildings were taken over by the men, is that right?

A. Yes.

Q. Did I understand you to say you have no application for re-employment or reinstatement?

A. I have not.

1408 Q. You never asked to return to work?

A. No.

Q. How did you happen to leave the plant on the 18th?

A. Illness.

Q. You were sick?

A. Yes.

Q. But you went in at the same time that the other men went in?

A. Yes.

Q. In which building were you?

A. Building 5.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.
(Witness excused.)

Mr. Walsh: John Braski.

JOHN BRASKI, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is John Braski?

The Witness: Yes.

Mr. Collins: Spell the last name for the reporter.

The Witness: B-r-a-s-k-i.

Mr. Collins: Were you served with a subpoena, Mr. Braski?

The Witness: Yes.

1409 Mr. Collins: Mr. Examiner, I would like to claim the witness' privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address, Mr. Braski?

A. 525 Cummings, Waukegan.

Q. You will have to talk up a little bit.

A. 525 Cummings Avenue, Waukegan.

Q. How long were you employed by Fansteel?

A. 18 years.

Q. What was your job?

A. Carpenter.

Q. In what department?

A. Contact department.

Q. When did you join the union?

A. The last part of July.

Mr. Swiren: What was that?

Mr. Walsh: The last part of July.

Q. (By Mr. Walsh) Did the plant operate between the 17th and 26th of February?

A. No.

Q. When did you draw your last pay?

A. The last part of April.

Mr. Swiren: Please speak up so we can hear you back here.

1410 Mr. Walsh: Keep your voice up, please.

Q. (By Mr. Walsh.) When did you draw your last pay?

A. The last part of April.

Q. Did the company take up your pass then?

A. Yes.

Q. Did you talk to anybody about going back to work?

A. No.

Q. Have you been offered re-employment?

A. Yes.

Q. Who asked you to come back to work?

A. Nobody.

Q. I am afraid you did not understand my other question. I asked you if you had been offered re-employment. Did they offer to take you back to work?

A. (No answer.)

Q. Did anybody offer to take you back to work at Fansteel?

A. No.

Q. How much was your hourly rate of pay?

A. 55 cents.

Q. 55 cents an hour?

A. Yes, sir.

Q. How many hours did you work a week?

A. 40 hours.

Q. How much was your weekly paycheck?

A. Well, sometimes I did piecework.

1411 Mr. Swiren: We cannot hear a word the witness is saying.

Mr. Walsh: Sometimes I got piecework, and sometimes I got day work, and when I got day work, I got \$22 a week.

Q. (By Mr. Walsh.) How much did you make when you worked piecework?

A. About \$26; around \$26.

Q. How much have you earned since February 26th?

A. I got piecework that day.

Q. How much have you earned since you came out of the plant?

A. How much?

Q. How much have you earned? Have you earned any money since you have been away from Fansteel?

A. No.

Q. Were you one of the men in the buildings?

A. Yes.

Q. Did you stay there from the 17th until the 26th of February?

A. No. I came out on the 21st, on Sunday afternoon.

Q. You came out on Sunday afternoon, the 21st of February, is that right?

A. Yes.

Q. Were you one of the respondents in the trial here last week?

A. Yes, I guess that is what it was.

1412 Mr. Swiren: I will ask the Examiner to request the witness to talk so we can hear him.

Mr. Walsh: He cannot talk any louder.

Mr. Swiren: It is just impossible to try this case, when we are unable to hear what the witnesses are saying.

Mr. Walsh: Suppose you come up here and join us, Mr. Swiren.

Mr. Swiren: I will ask the Examiner to instruct the witness to speak up. I am sure he can do it.

Trial Examiner Dudley: Proceed.

Q. (By Mr. Walsh.) Were you one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. Yes.

Q. When the work stopped on the 17th of February, did the management ask that the work be stopped?

A. No.

Q. The stoppage was caused by the men taking over the buildings, isn't that right?

A. Yes.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Braski, you say you left the buildings on Sunday, the 21st of February?

A. Yes.

1413 Q. Why did you leave?

A. I didn't feel good.

Q. You were sick?

A. Yes.

Q. You went into the buildings at the same time the other men went in?

A. Yes.

Q. On February 17th?

A. Yes.

Q. Which building were you in?

A. No. 3.

Q. Did you make application for re-employment?

A. No.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: Oscar Johnson.

OSCAR JOHNSON, called as a witness on behalf of the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Oscar Johnson?

The Witness: Yes.

Mr. Collins: Were you served with a subpoena to appear here before the Examiner today?

The Witness: Yes.

Mr. Collins: I would like to claim the witness' privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh.) What is your address, Mr. Johnson?

A. 221 May Street.

Q. Talk up so Mr. Swiren can hear you.

A. 221 May Street.

Mr. Swiren: Let us not have this a secret between you and the witness, Mr. Walsh.

Mr. Walsh: We have no secrets.

Q. (By Mr. Walsh.) How long were you employed by Fansteel?

A. About 18 years.

Q. What was your job?

A. Carpenter.

Q. In the maintenance department?

A. Yes.

Q. When did you join the union?

A. I think it was in July 1936.

Q. When did you draw your last pay from the company?

A. In March. I can't remember the date.

Q. Did the company take up your pass at that time?

A. Yes.

1415 Q. Did anybody talk to you about coming back to work?

A. No.

Q. Did they ever offer you re-employment down there?

A. No.

Q. What was your hourly rate of pay?

A. 76 cents an hour.

Q. How many hours a week did you work?

A. It was different. Sometimes I worked 40, and sometimes 48. Some weeks it would be 48, and some weeks 44.

Q. How much was your paycheck every week, or every two weeks?

A. Oh, it ran from \$60 up to \$80.

Q. Was that for one week, or for the pay?

A. For the two weeks.

Q. For that pay?

A. Yes.

Mr. Swiren: I think it will help the record, Mr. Walsh—

Mr. Walsh: I beg your pardon?

Mr. Swiren: I think it will help the record to bring out the fact that those checks are bi-monthly checks.

Mr. Walsh: That is what I understand.

Trial Examiner Dudley: By-monthly? You mean, bi-weekly.

Mr. Swiren: I beg your pardon?

Trial Examiner Dudley: They are bi-weekly checks.

Mr. Walsh: They are bi-weekly, not bi-monthly.

Mr. Swiren: Bi-weekly, yes.

1416 Mr. Keele: They are semi-monthly.

Mr. Swiren: Pardon me, semi-monthly is correct.

Trial Examiner Dudley: Proceed.

Q. (By Mr. Walsh.) How much did your weekly pay average?

A. Oh, if I worked 40 hours, that would be a little over \$30 a week.

Q. A little over \$30?

A. Yes.

Q. How much money have you earned since the 26th of February?

A. Nothing.

Q. Are you one of the men who occupied the plant between the 17th and the 26th of February?

A. What do you mean by that?

Q. Did you stay in the plant?

A. Yes.

Q. With the men?

A. Yes.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. (No answer.)

Q. Were you in the trial last week here?

A. No.

Q. When work stopped on the 17th of February, did 1417 the management ask that the work stop?

A. You mean, if the factory was running?

Q. Yes.

A. No, it wasn't.

Q. Did the management ask you to quit work?

A. Yes.

Q. Did the management stop the work?

A. Everybody.

Q. I am afraid you do not understand my question. The stopping of work was caused by the men taking over the plant, was it not?

A. I don't know what you mean.

Q. I mean, did the work stop because the men took over the plant?

A. Yes. All the work stopped there, yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Johnson, you were in the maintenance department?

A. In the maintenance department, yes.

Q. As a carpenter?

A. Yes.

Q. How long did you say you have been with the company?

A. About 18 years; since 1919.

Q. You had been there steadily during that time?

1418 A. What is that?

Q. You had been there steadily during that time?

A. What?

Q. You had been steadily constantly?

A. Oh, yes, yes, yes.

Q. And your weekly pay check was what, \$40 a week, about?

A. No; a little over \$30.

Q. A little over \$30?

A. Yes.

Q. You were in building 3 or building 5, which?

A. Building 5.

Q. You were in building 5 from the 17th of February to the 26th of February?

A. Yes.

Q. The entire time?

A. Yes.

Q. You went in there at the same time the other men went in?

A. Yes.

Q. Did you make any application for reinstatement or re-employment with the company after the 26th?

A. No.

Q. Why did you not?

A. Why should I? I didn't hear anybody else did it. Of course, I didn't intend to go back before they all went back.

1419 Q. You do not intend to go back before they all go back?

A. No.

Q. You would not have gone back if you had been offered a job, would you?

A. No.

Q. You do not want to work there without the others?

A. Unless the others went to work.

Q. How old are you?

A. Fifty-eight.

Q. Fifty-eight?

A. Yes.

Q. Did you say you had not had any employment since the 26th of February?

A. Yes.

Mr. Keele: That is all, I think.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all, Mr. Johnson.
(Witness excused.)

Mr. Walsh: Vick Bankowisch.

VICK BANKOWISCH called as a witness on behalf of the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: State your name, please.

1420 The Witness: I will tell it to you, but I can't spell it.

Mr. Collins: You cannot spell it?

The Witness: No.

Mr. Collins: If I show it to you, here, can you say whether it is correct or not?

The Witness: No, I can't read it.

Mr. Collins: Is it Bankowisch, B-a-n-k-o-w-i-s-c-h?

The Witness: That is right.

Mr. Collins: Were you served with a subpoena, or a notice to come here before the Examiner?

The Witness: Yes.

Mr. Collins: I would like to claim his privilege under Section 11, paragraph 3 of the National Labor Relations Act, if the Examiner please.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address?

A. 1212 Wadsworth.

Q. Waukegan?

A. North Chicago.

Q. How long were you employed by Fansteel?

A. Eighteen years.

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Q. What kind of a job did you have?

A. Swedging.

Q. When did you join the union?

A. 1926.

1421 Q. 1926?

A. I mean, 1936, on the first part of July.

Q. Did the plant operate between the 17th and the 26th of February?

A. (No answer.)

Q. Was there any work going on at the plant between the 17th and the 26th of February?

A. No.

Q. When did you draw your last pay from the company?

A. February, ain't it? I don't know what check I got that month.

Q. The strike, I think was in February.

A. In February I drew it. It was about the 27th I drew my check.

Q. You did draw your check about the 27th of February?

A. Yes.

Q. Did the company take up your pass then?

A. Yes.

Q. Did anybody ask you to come back to work?

A. No.

Q. Did you talk to anybody about coming back to work down there?

A. No.

Q. How much did you get per hour?

A. 65.

1422 Q. How many hours a week did you work?

A. Forty.

Q. How much did you get per week?

A. Around about \$26.

Q. How much money have you earned since February 26th?

A. Nothing.

Q. Are you one of the men who stayed in the plant?

A. I did.

Q. Are you one of the men who was tried here last week?

A. Yes, I did.

Q. Are you one of the defendants in the injunction case?

A. Yes.

Q. When the work stopped on the 17th of February, did the management ask you fellows to quit work?

A. No.

Q. The work stopped because you took over the buildings, is that right?

A. Yes. We stopped.

Q. Nobody has asked you to come back to work since?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) You have not asked anyone to come back to work, have you?

A. No, I didn't.

1423 Q. You were there through the entire time from February 17th to February 26th?

A. Yes.

Q. Which building were you in?

A. 3.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: I will recall Mr. Jackaway.

JOHN W. JACKAWAY, recalled as a witness on behalf of the National Labor Relations Board, having been previously duly sworn, further testified as follows:

Direct Examination.

Mr. Walsh: This witness has been on the stand, your Honor.

Trial Examiner Dudley: Very well.

Q. (By Mr. Walsh) How long were you employed by Fansteel, Mr. Jackaway?

A. A little better than seven years.

Q. What was your job?

A. Well, I don't remember what they call it.

Q. It was in the sintering department, was it not?

A. I don't remember just what they call it. I was working on the reclaims from out in the yard.

1424 Q. That is, you were reclaiming the tantalum deposits that they discovered out in the back yard, is that right?

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A. That is right.

Q. Did the plant operate—

A. They were working it over, you know.

A. I see. Did the plant operate between the 17th of February and the 26th of February?

A. Between the 26th—

Q. No, between the 17th and the 26th.

A. I don't know. Not that I know of.

Q. Were you in the plant during that period?

A. I was in the plant, yes.

Q. Do you know of any other operations that went on during the time you fellows were in there?

A. No.

Q. When did you get your last pay?

A. I don't remember exactly but it hasn't been very long ago. I got it probably 30 days ago, or something like that.

Q. Did the company take up your pass when you got your last pay?

A. Yes.

Q. Did you talk to anybody about coming back to work?

A. (No answer.)

Q. Did you talk to anybody about coming back to work, or did they offer you reemployment?

1425 A. Well, there was a man sent to my house for me to come back.

Q. I believe you told us about that the other day, did you not?

A. Yes.

Q. What was your hourly rate of pay?

A. 55 cents an hour.

Q. How many hours a week did you work?

A. Forty.

Q. What did your weekly pay amount to?

A. It was different. It was probably \$35 or \$40.

Q. A week?

A. Yes.

Q. You are one of the men who occupied the buildings—

A. Yes.

Q. Between the 17th of February and the 26th of February?

A. Yes.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. No.

Q. When the work stopped on the 17th of February, did the management order the work stopped?

A. Not that I know of.

Q. The stoppage was caused by the men taking over the building, was it not?

1426 A. Yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) What was this incident with reference to somebody coming to your house and asking you to work?

I have forgotten about it.

A. Mr. Chapman was sent to the house.

Q. I beg your pardon?

A. Mr. Chapman.

Q. Yes. What did he say?

A. He wanted to know if I wanted to come back to work.

Q. You did not go back to work, did you?

A. No.

Q. You were in building 3, or building 5, which?

A. 3.

Q. You were in building 3 from February 17th to February 26th, were you not? You were in building 3 from February 17th when they took it over, until February 26th when they left the building?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: There is just one more question, which I forgot to ask.

Redirect Examination.

1427 Q. (By Mr. Walsh) How much money have you earned since February 26th?

A. I don't remember.

Q. What have you worked at?

A. What?

Q. Have you worked at anything since?

A. Since that time?

Q. Yes.

A. No.

Q. You have not done any work at all?

A. A little charity work, that is all.

Mr. Walsh: All right, that is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: Ted Christianson.

TED CHRISTIANSON, called as a witness on behalf of the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Ted Christianson?

The Witness: Yes.

Mr. Collins: You were served with a subpoenae, were you not, Mr. Christianson to appear here before the Examiner?

The Witness: Yes.

1428 Mr. Collins: I would like to claim his privilege, if the Examiner please, under Section 11, Paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: It is so granted.

Q. (By Mr. Walsh) What is your address, Mr. Christianson?

A. 432 Coleville Place.

Q. How long have you been employed by Fansteel?

A. Since 1933, this last time, and then from 1921 to 1923, I think it was.

Q. What was your job there?

A. Carpenter.

Q. You were in the maintenance department?

A. In the maintenance department, yes.

Q. When did you join this union?

A. About in July, I think it was.

Q. Did the plant operate between the 17th and 26th of February of this year?

A. No, sir.

Q. When did you draw your last pay?

A. I think it was around August, the part of August, or something like that. I wouldn't say for sure, but it is something like that.

Q. Are you sure it was the month of August?

A. Not August; March.

Q. March?

1429 A. Yes.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Did you talk to anybody about coming back to work?

A. No.

Q. Did they offer to take you back?

A. No, sir.

Q. They did not offer you your job back?

A. No, sir.

Q. What was your hourly rate of pay?

A. 35 cents.

Q. How many hours a week did you work?

A. Forty.

Q. What did your weekly pay amount to?

A. About \$34.

Q. How much have you earned since February 26th?

A. About \$50.

Q. What did you do?

A. I did repair work.

Q. When you are normally employed at Fansteel, do you do any work on the outside for pay?

A. No.

Q. Are you one of the men who occupied the buildings?

A. Yes.

Q. You were there from the 17th until the 26th of February, were you not?

1430 A. Yes.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. I was called for the injunction.

Mr. Swiren: What was that answer?

Mr. Walsh: "I was called for the injunction" is his answer.

Q. (By Mr. Walsh) When work stopped on the 17th of February, did the management ask that the work stop?

A. No, sir.

Q. The stoppage was caused by the men taking over the building, is that right?

A. Yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) Did you ever make application for re-employment?

A. No, sir.

Q. Why did you not apply for reinstatement of reemployment?

A. Well, I didn't on account of not recognizing the lodge.

Q. That is the only reason you had—

A. Yes.

Q. —for not applying for reemployment?

A. Yes.

1431 Q. You were in building 3 or building 5, which?

A. I was in building 5.

Q. You went in there at the time that the buildings were seized by the men on February 17th?

A. Yes.

Q. You stayed there until February 26th?

A. Yes.

Q. How old are you, Mr. Christianson?

A. Fifty-six.

Q. You knew that on February 17th you were discharged there, did you not?

A. That is what I heard, we was discharged, yes.

Q. You heard you were discharged? You heard of the discharge?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all, Mr. Christianson.
(Witness excused.)

Mr. Walsh: Leo P. Daluga.

LEO P. DALUGA, was called as a witness on behalf of the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Leo P. Daluga?

The Witness: It is.

1432 Mr. Collins: Spell your last name for the reporter.

The Witness: D-a-l-u-g-a.

Mr. Collins: Were you served with a subpoena to appear here before the Examiner, Mr. Daluga?

The Witness: I was.

Mr. Collins: I would like to claim the privilege of the witness, if the Examiner please, under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh) What is your address, Mr. Daluga?

A. 534 Oak Street, Waukegan, Illinois.

Q. How long were you employed by Fansteel?

A. 25 years.

Q. What was your job?

A. Cutting contact discs, in the contact department.

Q. When did you join the union?

A. July 6th.

Q. 1936?

A. 1936.

Q. Did the plant operate between the 17th and the 26th of February?

A. It did not.

Q. When did you draw your last pay?

A. March 8th, I think.

Q. Did the company take up your pass at that time?

1433 A. They did.

Q. Did you go to the plant to receive your pay?

A. I did.

Q. Did you talk to anybody there about going back to work?

A. I did not.

Q. Have you been offered reemployment or reinstatement by the company?

A. I haven't.

Q. How much was your weekly rate of pay?

A. 55 cents an hour.

Q. How many hours per week did you work?

A. Forty, and sometimes 48.

Q. What was your average weekly pay check? What would it amount to?

A. From \$30 to \$35.

Q. That is, per week?

A. Per week.

Q. How much have you earned since February 26th?

A. \$11.

Q. What did you do to earn that?

A. I was judge of the election.

Q. Are you one of the men who occupied the buildings from the 27th of February to the 26th of February?

A. I am.

Q. Were you one of the respondents in the contempt case—

1434 A. I was.

Q. And one of the defendants in the injunction suit?

A. I was.

Q. When the work stopped on the 17th of February, did the management ask that the work stop?

A. They didn't.

Q. The stopping was caused by the men taking over the buildings, was it?

A. It was.

Mr. Walsh: That is all.

Q. (By Mr. Keele) Did you ever make any application for reemployment?

A. I did not.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: George Smith.

Mr. Swiren: Pardon me. I would like to have the reporter read me one or two of those questions. Mr. Reporter, will you go back and read me the witness' testimony concerning his hourly and weekly wages?

(The record was read as above recorded.)

Mr. Walsh: I will call George Smith. This witness has already testified, your Honor.

1435 Trial Examiner Dudley: All right.

GEORGE SMITH, recalled as a witness on behalf of the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh) How long were you employed by Fansteel, Mr. Smith?

A. Since October 2nd, 1933.

Q. What was your job?

A. Plater and de-plater.

Q. When did you join the union?

A. I think it was in September.

Q. 1936?

A. Yes.

Q. Did the plant operate between the 17th of February and the 26th of February?

A. No.

1436 Q. When did you draw your last pay?

A. March 5th.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Did you talk to anybody about going back to work?

A. Yes.

Q. Who did you talk to?

A. Luther Henry and Florian Schardt.

Q. I believe you testified about that the other day, did you not?

A. Yes.

Q. What was your hourly rate of pay?

A. 57 cents an hour.

Q. How many hours a week did you work?

A. 40 hours.

Q. What was your weekly pay check?—I mean, what was your weekly pay?

A. \$22.80.

Mr. Swiren: What was that?

Mr. Walsh: \$22.80.

The Witness: \$22.80.

Q. (By Mr. Walsh) How much have you earned since February 26th?

A. About \$8.50.

Q. What did you do?

1437 A. Painting.

Q. Normally when you are employed, do you work on the outside for pay?

A. No, I don't.

Q. Are you one of the men who occupied the buildings between the 17th of February and the 26th of February?

A. I am.

Q. Were you one of the respondents in the contempt case?

A. Yes.

Q. And one of the defendants in the injunction case?

A. I was.

Q. When the work stopped on the 17th of February, did the management ask that the work be stopped?

A. No.

Q. The stoppage was caused by the men taking over the buildings, is that right?

A. Yes.

Q. Aside from the instances in which Schardt and Henry offered you reemployment, you have had no other offers of reemployment from the company, have you?

A. No, I haven't.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) Will you tell us about that incident when you were asked to come back to work, Mr. Smith?

1438 A. About the first part of March I went down for my check, and Luther Henry was in the office. He asked me if I wanted to sign an application for a job.

Q. What did you say.

A. I said, "No, I don't want to sign an application for a job until the rest of the men come back. Then I will come back with them."

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused, Mr. Smith.
(Witness excused.)

Mr. Walsh: Steve Luczo.

STEVE LUCZO, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Collins) Your name is Steve Luczo?

A. Steve Luczo.

Q. Spell your last name, please, for the reporter.

A. L-u-c-z-o.

Q. Were you served with a subpoena?

A. Yes.

Mr. Collins: I would like to claim the privilege of the witness under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: It may be granted.

1439 Q. (By Mr. Walsh) What is your address, Mr. Luczo?

A. 2303 Kirsten Avenue, North Chicago.

Q. How long were you employed by Fansteel?

A. 8 years, a little better than 8 years.

Q. What was your job?

A. Wire drawing.

Q. When did you join the union?

A. November 11, 1936.

Q. Did the plant operate between the 17th and 26th of February?

A. No.

Q. When did you draw your last pay?

A. Is was March, I guess, about the 5th. I don't exactly know which date.

Q. Did the company take up your pass at that time?

A. They tried to, but I told them I lost it. I told them I lost it in the plant, in the building. Maybe they found it.

Q. Did you talk to anybody about coming back to work?

A. No, never.

Q. Did anybody offer you your job back?

A. No.

Q. What was your hourly rate of pay?

A. 65 cents.

Q. How many hours a week did you work?

A. Usually 40, but sometimes we worked overtime, and on Saturday. Overtime—for overtime we got time and a half.

Q. What did your weekly pay amount to?

A. About \$26.

Q. How much have you earned since February 26th?

A. After that?

Q. After that.

A. \$8.

Q. What did you do to earn that?

A. I helped my friend plant flowers in Lake Forest.

Mr. Swiren: I cannot hear the witness. What was that answer?

Mr. Walsh: He said he helped his friend plant flowers in Lake Forest.

Trial Examiner Dudley: Did you say you earned \$8?

The Witness: \$8.

Q. (By Mr. Walsh) When you are normally employed, do you do any work on the outside for pay?

- A. No.
- Q. You are one of the men who occupied the plant from February 17th to February 26th?
- A. Yes.
- Q. You were one of the respondents in the contempt case—
- A. Yes.
- Q. —and one of the defendants in the injunction case?
- A. Yes.
- 1441 Q. When the work stopped on the 17th of February, did the management ask that the work stop?
- A. No.
- Q. The stoppage was caused by the men taking over the plant, is that right? Or taking over those buildings?
- A. Yes.
- Q. You have never been offered your job back, have you?
- A. No.
- Mr. Walsh: That is all.

Cross-Examination.

- Q. (By Mr. Keele) Did you ever make application for your job?
- A. No.
- Q. What building were you in, 3 or 5?
- A. I was in building 5. I worked there, too.
- Q. You were in building 5 from February 17th to February 26th?
- A. Yes.
- Q. You went in when the other men went in, and came out when they came out?
- A. At the same time, yes.
- Mr. Keele: That is all.
- Mr. Walsh: That is all.
- Trial Examiner Dudley: You may be excused.
(Witness excused.)
- 1442 Mr. Walsh: Frank Scheuer.

FRANK SCHEUER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is Frank Scheuer?

The Witness: Yes.

Mr. Collins: Spell your last name.

The Witness: S-c-h-e-u-e-r.

Mr. Collins: Are you the one they call Sonny Scheuer?

The Witness: Yes.

Mr. Collins: Did you receive a subpoena to appear here before the examiner?

The Witness: Yes.

Mr. Collins: I would like to claim his privilege under section 11, paragraph 3, of the National Labor Relations Act, if the examiner please.

Trial Examiner Dudley: The privilege is granted.

Mr. Walsh: I would like to move to amend the complaint, to show that this man was improperly denominated in the complaint as "Sonny Shure." His name is "Frank Scheuer."

Mr. Swiren: We corrected that error in the complaint, and all other errors in the complaint in our answer, Mr. Walsh. You evidently have not paid enough attention to the answer to find that out.

Mr. Walsh: For which I thank you.

1443 Trial Examiner Dudley: The motion is granted.

Mr. Keele: We have no objection to the amendment.

Q. (By Mr. Walsh) What is your address?

A. 313 Water Street.

Q. How long were you employed by Fansteel?

A. Two weeks.

Q. What type of work did you do there?

A. Plater.

Q. What department were you in?

A. Contact.

Q. When did you join this union?

A. About a week before the strike.

Q. Did the plant operate between the 17th and 26th of February?

A. No, sir.

Q. When did you get your pay from the plant, your last pay from the plant?

- A. About March 5th.
 Q. Did the company take up your pass at that time?
 A. Yes.
 Q. Did you talk to anybody about going back to work?
 A. No.
 Q. Did anybody offer reemployment to you?
 A. No.
 Q. What was your hourly rate of pay?
 1444 A. 45 cents an hour.
 Q. How many hours did you work a week?
 A. 40.
 Q. What was your weekly pay? What did that amount to?
 A. \$18.50.
 Q. How much money have you earned since February 26th, 1937?
 A. About \$50.
 Q. What did you do to earn that money?
 A. Truck driving.
 Q. When you were normally employed at Fansteel, did you do any work on the outside for pay?
 A. No.
 Q. You are one of the men who occupied the buildings between the 17th and 26th of February?
 A. Yes, sir.
 Q. Were you one of the respondents in the contempt case—
 A. Yes.
 Q. —and one of the defendants in the injunction case?
 A. Yes.
 Q. When the work stopped on February 17th, did the management order the work to be stopped?
 A. No.
 Q. The stoppage was caused by the men taking over the buildings, is that right?
 A. Yes.
 1445 Mr. Walsh: That is all.

Cross-Examination.

- Q. (By Mr. Keele) You had only been working for the Fansteel Company about 2 weeks at the time the buildings were seized?
 A. Yes.
 Q. You were in building 3, or building 5, which, during the period from February 17th to February 26th?

A. I was in building 5.

Q. You were there during the entire time?

A. Yes.

Q. So of the entire time you spent in the employ of the Fansteel Company, about half of it was spent in a sit-down strike, is that right?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused, Mr. Scheuer, (Witness excused.)

Mr. Walsh: I will recall George Mondro.

GEORGE MONDRO, recalled as a witness for the National Labor Relations Board, having been previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh) You have been on the stand before, have you not, Mr. Mondro?

1446 A. Yes.

Q. How long were you employed by Fansteel?

A. About 8 months.

Q. What did you do there?

A. I was in the chemical building.

Q. Talk up so we can hear you.

A. I was in the chemical building.

Mr. Swiren: I still cannot hear you.

Mr. Walsh: He said he was in the chemical building.

Trial Examiner Dudley: Talk so the people in the back row can hear you.

Q. (By Mr. Walsh) When did you join the union?

A. In July.

Q. Did the plant operate between February 17th and February 26th?

A. No.

Q. When did you draw your last pay?

A. Sometime in March.

Q. At that time did the company take up your pass?

A. Yes.

Q. That was the time you filled out an application, which you told us about yesterday, is that right?

A. That is right.

Q. What was your hourly rate of pay?

A. 49 cents.

1447 Q. How many hours a week did you work?

A. 40.

Q. What did your weekly pay amount to?

A. \$20 to \$22.

Q. \$20 to \$22 a week?

A. Something like that. We worked 40 hours.

Q. How much money have you earned since February 26th?

A. \$65.

Mr. Swiren: I cannot understand you. I do not know whether it is because of the gum, or because you do not talk loud enough.

The Witness: \$65.

Q. (By Mr. Walsh) What did you do to earn that money?

A. Garden work.

Q. Normally when you are employed, do you work on the outside for pay?

A. No.

Q. Are you one of the men who was in the plant?

A. No.

Q. Were you on the night shift?

A. Yes.

Q. Did you report for work on the 17th of February?

A. No.

Q. When did you report for work?

A. On the 16th.

1448 Q. The 16th?

A. Yes. I worked part of the 16th and part of the 17th.

Q. You worked the night of the 16th and the 17th, is that right?

A. Yes.

Q. Why did you not go back to work on the 18th?

A. Because—

Q. Or, rather, the night of the 17th?

A. Because my brother told me the plant was on strike, so I thought it didn't pay to go back.

Q. Did you go back later to get your job?

A. No.

Q. Did you talk to anybody about getting your job back?

A. No.

Q. Did you occupy any of the plant buildings during this trouble, between the 17th and 26th of February?

A. No.

Q. Were you one of the respondents in the contempt case, or one of the defendants in the injunction case?

A. No.

Q. You were not present when this trouble broke out, were you?

A. No.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele) You were asked to come back 1449 to work, you say?

A. Right; four times.

Q. Four times?

A. Right.

Mr. Keele: That is all.

Q. (By Mr. Walsh) Why did you not go back to work?

A. Because I joined the union.

Mr. Swiren: Read that answer, please, Mr. Reporter.

(The answer was read.)

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Jasper Leskovec.

JASPER LESKOVEC, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: State your name, please.

The Witness: My name?

Mr. Collins: Yes.

The Witness: Jasper.

Mr. Collins: What is your last name?

The Witness: Leskovec.

Mr. Collins: Spell your last name for the reporter.

1450 The Witness: L-e-s-k-o-v-e-c.

662 *Witnesses for National Labor Relations Board.*

Mr. Collins: Did you receive a subpoena to appear here before the examiner?

The Witness: Yes.

Mr. Collins: I would like to claim the witness' privilege under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege may be granted.

Q. (By Mr. Walsh.) Where do you live, Jasper?

A. 1039 Adams Street, North Chicago.

Q. How long were you employed by Fansteel?

A. 11 years.

Q. What did you do down there?

A. I was in the chemical department.

Q. When did you join the union?

A. In July 1936.

Q. Do you know whether the plant operated between the 17th and the 26th of February?

A. No.

Q. When did you get laid off at the plant?

A. I got laid off on the 24th of November.

Q. The 24th of November 1936?

A. Yes.

Q. How did they come to lay you off?

A. They told me, "You got no job no more."

1451 Q. They said, "You got no job no more"?

A. Yes.

Q. When did you join the union?

A. In July, the middle of July.

Q. Were you an officer of the union?

A. Yes.

A. Are you an officer of the union now?

A. (No answer.)

Q. Do you hold any office in the union?

A. No.

Q. You are just a member?

A. Yes.

Q. What was your hourly rate of pay?

Mr. Swiren: That is objected to.

Trial Examiner Dudley: Objection overruled.

Mr. Swiren: Just a minute. I think the examiner ought to hear me.

Trial Examiner Dudley: Go ahead.

Mr. Swiren: Here is a man who was discharged long before any of the dates named in the complaint.

Trial Examiner Dudley: Let us put it in.

Mr. Swiren. Does it not make any difference when he was discharged, or why?

Trial Examiner Dudley: Proceed.

Q. (By Mr. Walsh.) What did they say to you when 1452 they laid you off?

A. They say, "You got no job no more."

Q. "You got no job no more"?

A. Yes.

Q. How much pay were you drawing?

A. I got, the last day, 49 cents.

Q. 49 cents an hour?

A. An hour.

Q. How much did that amount to a week?

A. I guess \$19. \$19.

Q. How much money have you earned since you were laid off?

A. I don't remember exactly. I think it was \$35.

Q. What did you do to earn that money?

A. What did I do to make that money?

Q. What did you work at?

A. (No answer.)

Q. What did you work at to earn that \$35?

A. What do you mean?

Q. You said you earned \$35 since you have been laid off. What did you work at?

A. You asked me how much I got last pay day—

Q. That \$35, was that your last pay check?

A. Yes.

Q. Have you earned any money since you have been laid off?

A. No.

1453 Q. No money at all?

A. No.

Q. You were not in any of this trouble they had out here, were you?

A. No.

Mr. Walsh: That is all.

Mr. Keele: Just a minute.

Mr. Walsh: Do not leave the stand yet.

Cross-Examination.

Q. (By Mr. Keele.) You were not on any of the committees of the union, were you?

A. No.

Q. You did not take any particularly active part in the union, did you?

A. (No answer.)

Q. You were just a member, were you not?

A. Just a member.

Q. You had been a member since July?

A. Yes.

Q. You were laid off on the 24th of November?

A. Yes.

Q. You were in what department, the chemical department?

A. Yes.

Q. They told you at that time when they laid you off that they did not have any work for you, did they not?

1454 A. Yes.

Q. Who told you that?

A. My foreman, Presler.

Q. Who?

A. Presler.

Q. Presler?

A. Yes.

1455 Q. You did not complaint to the union about being laid off, did you?

A. No.

Q. You believed they were out of work there at that time, did you not?

A. Yes.

Q. They just did not have a job for you at that time, is that not right?

A. They told me like that.

Q. You had no reason to disbelieve them, did you?

A. I have lots of reasons, but what is the use?

Q. What is the use?

A. Yes.

Q. Did they give you any other reason for laying you off?

A. No.

Q. At that time?

A. No.

Mr. Keele: That is all.

Q. (By Mr. Walsh.) Did you ever talk to your boss about the union?

A. No.

Q. Did the boss ever talk to you about the union?

A. No.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a minute.

1456 Mr. Swiren: Do you still want his testimony in, Mr. Walsh?

Mr. Walsh: Yes, leave it in.

Mr. Swiren: I renew my objection, and move to strike the testimony of the witness.

Trial Examiner Dudley: Well, Mr. Swiren—

Mr. Swiren: Well, I will withdraw the motion, to save time. We can argue this out at the end of the hearing.

Mr. Walsh: All right.

Trial Examiner Dudley: That is all. You are excused.
(Witness excused.)

Mr. Walsh: John Starovich.

JOHN STAROVICH, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: Your name is John Starovich?

The Witness: Yes.

Mr. Collins: Spell your last name.

The Witness: S-t-a-r-o-v-i-c-h.

Mr. Collins: Were you served with a subpoena—

The Witness: Yes.

Mr. Collins: —to appear here today?

The Witness: Yes.

Mr. Collins: I would like to claim the privilege of the
1457 witness under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh.) Where do you live?

A. 2128 Hervey Avenue, North Chicago.

Q. How long were you employed by Fansteel?

A. I started to work there July 15th, 1926.

Q. What was your job?

A. Electrolysis.

Q. In what department?

A. The tantalum department.

Q. When did you join the union?

A. In July, 1936.

Q. Do you know whether the plant operated between February 17th and February 26th?

A. I don't have a recollection of that time, because I haven't been inside of—I haven't been near there for some time.

Q. You were laid off on February 13th, 1937?

A. Right.

Q. What was the reason for your layoff?

A. They claimed that they ran out of crystals, and there was no work to be had until there were more crystals made up.

Q. What did they tell you about when you would be called back to work?

1458 A. The foreman told me they would let me know over the phone as soon as there are crystals to work with.

Q. Did you get laid off like that from time to time?

A. Occasionally, yes.

Q. Did I ask you when you joined the union?

A. Yes.

Q. You have never been called back to work since the plant reopened, is that right?

A. No, sir.

Q. Did you have any discussions with your boss or foreman about the union?

A. No, I haven't.

Q. Did you take any active part in the strike that went on down there?

A. No, sir.

Q. When you were working—strike that out.

How much was your hourly rate of pay when you were there?

Mr. Swiren: Just a moment. That is objected to. There is no showing that this man even falls in the class of the first group.

Trial Examiner Dudley: It may be admitted. You may answer.

The Witness: 68 cents per hour.

Q. (By Mr. Walsh.) How many hours did you work a week?

A. Some weeks I would work 40 hours. Some weeks
1459 I would work 24 hours. Some weeks I would work 36
hours, however it happened to run.

Q. How much was your weekly average pay? How much
would that amount to?

A. If I worked 40 hours, that would be \$27.20 a week, for
40 hours.

Q. How much have you earned since February 26th?

A. About \$10.28.

Q. What were you doing?

A. Selling.

Q. Selling what?

A. I sold a sanitation system to a lady.

Q. Now, normally when you are working at Fansteel do
you work on the outside?

A. I have the last few years, the last couple of years.

Q. How much money do you normally make on the out-
side?

A. I do that merely to get a little spending money. I
don't go right along after it.

Q. What do you do?

A. Small printing. Last year I sold Christmas cards.

Q. There is not any regular income from that, is there?

A. No. It just merely means I make a few nickels on a
box of cards, or something like that. I like to do it.

Q. You were not one of the men in the plant?

A. No, sir.

1460 Q. Were you a respondent in the contempt case?

A. No.

Q. Or a defendant in the injunction case?

A. No.

Q. Did your boss know you were a member of the union?

A. I really could not tell you. The only way that came
up is when I was on the picket line, and Mr. Anselm saw me
carrying a placard.

He made sure he knew who it was, and that is the reason
I haven't been called back to work, on account of the union
activity.

Q. That is the part you took in the strike?

A. That is the part I took.

Q. How long were you on the picket line?

A. I was there for a week or so. Then I got sick, and
went. I had an absessed ear.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) What was this work you did outside of your employment for Fansteel during the last two years?

A. Selling a few Christmas cards in season.

Q. Did you go from house to house??

A. Sometimes. Sometimes I went to friends' homes that I have known before.

Q. Because you like that work?

1461 A. Yes, I like it.

Q. You were discharged or laid off as you said, I believe on the 13th of February?

A. Yes. That was on Saturday.

Q. That was on Saturday?

A. Yes.

Q. That was four days before the men took the plant over on the 17th, was it not?

A. Let's see; I believe so.

Q. You had not been working full time there for some time, had you?

A. Up until that time I have been. There was a few weeks in between there in the last where I got in 24 hours there, and one week I got in 32 hours, and it kept on irregular.

Q. Work was rather slow in your department, was it not?

A. When we did have enough to do, they gave me a helper.

Q. It was irregular, is that it? Sometimes you would have a great deal to do, and sometimes there would not be enough to keep you busy?

A. Yes, something like that.

Q. They told you when they laid you off you would have to wait until when, before they could take you back?

A. They said they would phone me when they would need me, as soon as there would be crystals enough to work with.

1462 Q. They said they would call you as soon as there were crystals to work with?

A. Yes.

Q. You do not know whether there has been a necessity for your services, or whether they have had enough crystals, is that it?

A. Oh, yes; I know that well.

Q. Oh; you do?

A. Sure.

Q. Have you been back to the plant since the 13th of February, or been in the plant?

A. No. I haven't been in the plant, but I know the fellow that is running the outfit now.

Q. Who is he?

A. Ray Pearson.

Q. He keeps you informed on that?

A. I know that.

Q. I say, he tells you about that, does he?

A. He told me there was other fellows running the outfit five days a week.

Q. That is the only way you know it?

A. That is the only way. I haven't been inside, no.

Q. You say the reason you have not been re-employed is because of the fact Mr. Anselm saw you carrying a picket banner?

A. Exactly.

1463 Q. How do you know that?

A. How do I know that? Now, I will explain that. He drove up to the office steps, and it happened this particular morning—

Q. He does that every morning, does he not?

A. I don't know. I wasn't—

Q. You have been carrying a picket banner out there, have you not?

A. I haven't been out there all the time. This happened this particular morning.

Q. That is unusual, for him to drive up to the office steps, is that right?

A. He was the first man that drove a car right near the office steps on that particular morning.

Q. Most of the office help park there, do they not?

A. He started towards the office—

Q. Wait a minute. Answer my question. Do not most of the office help park there?

A. I suppose.

Q. This was all very normal, was it not? There was nothing unusual.

A. He happened to be the first one there that morning.

Q. All right.

A. He saw me carrying that banner, and he made sure he knew who was carrying that banner.

1464 He started towards the office steps, and then he came back to the car, just so as to give me time enough to get closer, so he could see me.

Q. When he saw you, do you think maybe he went back to lock his car, when he saw who it was that was carrying the banner?

A. I didn't see him lock it.

Q. He may have done that, may he not?

A. Perhaps, but I didn't see him use any keys.

Q. But you are very sure that he made sure that it was you who was carrying the banner?

A. He wanted to give me a little more time to get up a little closer.

Q. Is that the only reason?

A. I suppose.

Q. Did he tell you that was the reason?

A. I didn't talk to him.

Q. Then that is purely a supposition on your part, is it not?

A. I was just about like from here (indicating), to you, from him at that time.

Q. And you thought he wanted to get a little closer look at you?

A. Sure. He wanted to make sure.

Q. You are enjoying your testimony on the stand, 1465 are you not?

A. Perhaps.

Q. You were sitting over here with the girls, were you not, just before you came up?

A. I was sitting with my wife, yes.

Q. Oh; with your wife. Now, let us get this straight. You say that Mr. Anselm was about 15 feet away from you?

A. Probably 15 or 20 feet.

Q. And you think he could not tell who you were at that distance?

A. No. I was coming up. I was walking up. The closest I was to him was about 20 feet, probably.

Q. I see.

A. Perhaps 20 feet.

Q. Do you not think that perhaps he wanted to read what was on your banner?

A. We sure had plenty big enough letters on it.

Q. You are five feet six or seven or eight inches tall, are you not?

A. Sir?

Q. You are five feet six inches tall, about, are you not?

A. I think it is about five and a half.

Q. Do you think Mr. Anselm could have seen you at a distance of 20 feet, and not know who you were?

A. Probably, he did, yes.

1466 Q. So really, this is all a fabrication of your own mind, is it not?

A. No, it is not a fabrication. It is the honest truth.

Q. What else have you to base it on, that that was the reason you did not go back?

A. Because I was carrying that banner.

Q. You mean that if you were in Mr. Anselm's position, and you had seen Anselm carrying a banner like that, you would not let him come back? Is that what you are thinking?

A. I didn't get that straight.

Q. I say, if the positions were reversed, you say you would not let Mr. Anselm come back, if he had been carrying that banner, and you had been in his place? Is that it? Just answer "Yes" or "no." Is that the way you figure?

A. Perhaps.

Mr. Keele: That is all.

Trial Examiner Dudley: Mr. Starovich, I have one or two questions.

Q. (By Trial Examiner Dudley.) During the time of the so-called sit-down strike, did you participate by helping the strikers in any way?

A. No.

Q. Did you help bring food in or out?

A. No.

Q. How long were you on the picket line?

1467 A. For about a week.

Q. That was after the strike was over?

A. That was after the boys were evicted.

Q. I see. Why did you stop being on the picket line?

A. I had an abscessed ear.

Trial Examiner Dudley: Oh, yes. Is that all?

Mr. Keele: I have one or two more questions.

Q. (By Mr. Keele.) You were not an officer of the union, were you?

A. No.

Q. Were you a member of any of the committees?

A. No.

Q. You did not take an active part in union affairs other than being a member, did you?

A. That is all.

Q. Did you ever discuss with your foreman the question of your being a member of the union?

A. That question was never brought up between the foreman and me.

Q. You never have gone back and applied for re-employment, have you?

A. No. I am still waiting for that telephone call.

Q. Have you made any money since then?

A. \$10.28.

Q. What?

1468 A. \$10.28.

Mr. Keele: That is all.

Mr. Walsh: Just a moment.

Redirect Examination.

Q. (By Mr. Walsh.) Was there ever any criticism of your work, when you worked out there?

A. Well, as far as work was concerned, there was one time when this new foreman came along one day—production fell a little bit, by about three pounds,—and he said to me one day, he says, "Now, we expect you to come up with 50 pounds or more, and not 50 pounds or less."

Prior to the time he was working there they were satisfied with as little as 35 pounds a day.

Q. Did you get your pay raised at any time?

A. My pay was raised the 16th of August. Up to that time I was getting 58 cents an hour.

Mr. Swiren: The 16th of November, you mean, I think.

The Witness: I said, the 16th of August.

Q. (By Mr. Walsh.) And on the 16th of August, 1936 you got a pay raise?

A. I got a pay raise of 5 cents an hour. That is when the union started to get active.

Q. Did you get any pay raises between August and the time they laid you off?

A. We got a pay raise of 5 cents an hour that was
1469 general throughout the plant, beginning the 16th of November, as near as I can remember.

Q. When did this foreman complain about your production?

A. That was some time in January I believe. That was the time when they started to use this residue from the back of the buildings.

Mr. Keele: Which year was that?

Mr. Walsh: 1937.

1470 Q. (By Mr. Walsh.) That was in 1937, was it not?

A. January 1937, yes.

Q. Did you draw your final pay from the company?

A. Yes, on the 20th of February.

Q. Did they take up your pass at that time?

A. No.

Q. You still have your pass?

A. I still have the pass.

Q. You have not been called for work?

A. I have not been called for work.

Q. You are told by people you know in the plant that your job is being operated by somebody else, is that right?

A. I know the man running it now called me up one evening about ten-thirty, and he said, he was going back to work. I said, "Suit yourself."

Q. Yes. Had he been a member of the union?

A. Yes, he was.

Q. He returned to work, is that right?

A. He returned to work, because he owed the company some money.

Mr. Walsh: All right. That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Thomas C. Fagan.

1471 THOMAS C. FAGAN, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Mr. Walsh: This witness has been sworn previously, your Honor.

Trial Examiner Dudley: Very well. Proceed.

Q. (By Mr. Walsh.) I believe you testified yesterday you were employed by the company in 1917, is that right?

A. Yes.

Q. You want to correct your testimony now to say you were employed in 1918?

A. 1918.

Q. What was your job down there?

A. At the Fansteel Company?

Q. Yes.

A. In the cutting department, and sometimes brazing, working on plating, tanks.

Q. When did you join the union?

A. In July.

Q. 1936?

A. 1936.

Q. You were a member of the night force in 1937, were you not?

A. I was.

1472 Q. Did you report for duty on the 17th of February?

A. At eight minutes of four in the afternoon.

Q. Did you go to work?

A. No.

Q. They were having trouble at the plant, were they not?

A. Yes.

Q. The plant was not operating, was it?

A. The plant told me, "Nothing doing," and that they will notify me.

Q. Did they ever notify you to return to work?

A. No.

Q. When did you get your last pay from the company?

A. March 5th.

Q. Did they take up your pass?

A. Yes.

Q. What was your hourly rate?

A. 55 cents by the hour, and I worked on piecework.

Q. How much did you earn at piecework?

A. An average, as close as I can give it, of \$30, \$32, or \$33 a week.

Q. How much have you earned since February 26th, 1937?

A. Well, I have earned about \$40, I imagine, and now I have got some money coming from the State besides that.

Q. You are employed by the PWA, are you not, or the WPA?

A. No, straight State.

1473 Q. The State Highway Department?

A. Yes.

Q. How much do you get per day there?

A. Five dollars a day.

Q. Over and above the \$40 you have already collected, you have some money due you now?

A. Yes.

Q. About how much is that?

A. I think I have \$45 coming.

Q. You were not in the plant during the time that the men kept the buildings, were you?

A. No.

Q. You were not one of the respondents in the contempt case, or a defendant in the injunction suit, were you?

A. Not that I know of.

Q. Have you received during the time that you were employed there raises from time to time?

A. I was given a general raise.

Q. Recently?

A. November 16th—is that it? It was about that time.

Q. That was the 5 cents an hour increase?

A. Yes.

Q. Now, did the foreman of your department ever complain about your work?

A. No.

1474 Q. You were active in soliciting members for the union, were you not?

A. Yes.

Q. Did the officers of the company or foremen know that you were a member of the union?

A. Well, I—

Q. Have you discussed it with any of the foremen?

A. No. I never had any discussion myself, but I have sat around when—

Q. Mr. Anselm knew you were a member of the union, did he not?

A. Yes, Mr. Anselm did.

Q. Now, when you reported for work on the 17th of February, they told you they would notify you when you were wanted, is that right?

A. Yes.

Q. Then from time to time during the progress of the trouble they had out there you were present, were you not?

A. Outside of the fence?

Q. Outside of the fence, yes.

A. Yes.

Q. Did you help put any food into the plant?

A. Well, I maybe did the first day.

Q. You suggested to the law enforcing officials that they close the taverns down around that area there—

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1475 A. I suggested that to Mr. Anselm.

Q. (Continuing) —so that the people who were sympathizing with the strike could not patronize the taverns, is that right?

A. Yes.

Q. That was on the first night that the trouble broke out?

A. That was the morning of the first gas attack.

Q. That was on the 19th?

A. The 19th of February.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele) You were out at building 3 and 5 every day practically, during the period from February 17th to February 26th, during the time the men were in there, were you not?

A. Every day?

Q. Almost every day.

A. I never stayed there a whole day, no.

Q. But you were there at least once, and usually you spent several hours there, during the day, did you not?

A. Not through the day.

Q. Well, or night?

A. Well, I was down there at night once in a while.

Q. You rendered considerable assistance, did you not, in carrying in food and bedding, and in helping to send messages?

A. Not so much.

1476 Q. Well, how many days did you participate in getting food and bedding—

A. The first—

Q. —and other things into the plant?

A. The first and second day.

Q. The first and second day?

A. As I recall it I was out doing some other things.

Q. What?

A. Oh, getting a hold of a little money.

1477 Q. To help take care of the fellows who were inside, and their needs and wants, and those of their families, is that right?

A. Yes.

Q. Well, you did everything you could to help keep those men in there, did you not, during that period, and to make it comfortable for them?

A. I think so.

Q. What is that?

A. I think did some.

Q. Well, you did everything you could, everything you thought of that was reasonable, did you not, to help them stay in there?

A. I wouldn't say I did everything.

Q. Well, what did you not do that occurs to you now that you might have done?

A. (No answer.)

Q. Can you think of anything?

A. I didn't help them get any lights, or any heat.

Q. Well, it would have been a pretty hard thing to have done, would it not?

A. I guess so.

Q. Tell us what you did do to help them stay in there?

A. I don't know as I had anything to do to make them stay in there.

1478 Q. You helped them, did you not? What did you do to help them to stay in there?

A. For one thing, they had my radio in there, but that radio was in there long before the strike.

I used to keep it for different things, programs that would come along when we were working nights.

Q. All right. Then, we will not count that. What else did you do?

A. (No answer.)

Q. You are not bashful about this, are you?

A. (No answer.)

Q. Tell us, tell us. Let us not take all day.

A. (No answer.)

Q. You helped get food down there, did you not?

A. I helped them at first.

Q. You helped them get bedding down there, did you not?

A. No.

Q. No?

A. I don't recall it.

Q. But you did help get food. You went out and helped to get some money together, did you not?

A. Some.

Q. What did you do with the money after you got it together?

A. I didn't have charge of the holding of the money in my pocket.

1479 Q. What did you do with the money you got together, or helped get together?

A. I don't know who it was turned over to.

Q. Did you collect any of it?

A. No. I was just along.

Q. Who were you with?

A. Oh, at first, there was myself, John Germer—

Q. Yes.

A. —and William Magnus.

Q. To whom was that money turned over, if you know?

A. I don't know.

Q. You do not know.

A. No.

Q. Did you carry any messages back and forth between the men that were inside of their building, and their homes, friends, or families?

A. Yes, I did, that first evening.

Q. All right. Did you shout, or talk any words of encouragement to them?

A. I don't recall that.

Q. You asked them if there was anything you could do to help, did you not, from time to time?

A. I don't know if I did.

Q. What?

A. I don't know whether I said that or not.

1480 Q. Well, you said words of encouragement to that effect, did you not?

A. There were a lot of people out there talking—

Q. Never mind about that. We do not care anything about that. Tell us what you did. Never mind about lots of people.

Q. Did you offer to do anything they wanted to do, or anything to help that you could?

A. Did you say that to the men, or some such words?

A. I don't remember.

Q. Did anybody ask you to do anything, and did you do the things they asked you to do?

A. There was some little things they might have asked me. I don't know what they are now.

Q. Did you do them?

A. I don't know whether I did or not.

Trial Examiner Dudley: Just a moment, Mr. Keele. I suggest that the witness should give as much information as he can about this. Do not hesitate about revealing anything that happened. Give us everything that you remember.

Mr. Keele: Will you read the last question, Mr. Reporter.
(The question was read.)

A. I have done some little things to help them.

Q. (By Mr. Keele) Did you actually bring anything down there to the plant, such as food or bedding or stoves, or kerosene, stoves, or anything like that?

1481 A. I brought a kerosene stove.

Q. All right. That went into the plant, did it not?

A. I imagine it did.

Q. Did you see it go in or not?

A. Yes, I saw it go up.

Q. You did not imagine it. You saw it go up, did you not, and go into the plant.

That is right, is it not?

A. Yes.

Q. What else did you bring down there, if anything?

A. I brought a few cigars.

Q. Cigars?

A. Yes.

Q. Anything else?

A. Cigarettes.

Q. Cigarettes?

A. Yes, sir.

Q. Anything else?

A. That is all I recall that I brought in.

Q. That is all that you recall that you brought?

A. Yes.

Q. You knew there was an injunction down there, did you not?

A. I don't remember, after those papers were nailed on the door whether I put up anything or not.

1482 Q. You do not recall whether you did anything to help the boys inside after that?

A. I was out most of the time.

Q. You were in court when the injunction was issued, were you not?

A. Yes.

Q. You were up here in court?

A. Yes.

Q. You were in this very court room when that order was entered, were you not?

A. Yes.

Q. How did you know that there was going to be that hearing that morning?

A. From the papers, I think, if I remember right, and from general talks.

Q. There was nothing in the paper about it in advance, was there?

A. I don't know whether there was or not.

Q. Were you down at the plant when notice was given the boys by Mr. Swiren that there was going to be a court hearing the next morning?

A. (No answer.)

Q. Were you there at the time of the gas attacks, either of them?

A. Yes.

1483 Q. That was 5:00 o'clock in the morning, both times. What were you doing around there then? Were you just curious?

A. I just came down—

Mr. Walsh: I object to this entire line of questioning. I cannot see that it has any bearing on any of the issues which are involved here.

Mr. Swiren: You do not think that the aiding and abetting of this witness, in violation of the injunction, of the retention and unlawful possession of the plant has anything to do with it?

Trial Examiner Dudley: The answer states he was discharged because of participation.

Mr. Swiren: That was one of the bases. There are others. That is the main basis.

Mr. Keele: That is what I am trying to show, is the aiding and abetting, but as you can see, it is an awfully slow job. It is very difficult, I grant.

Trial Examiner Dudley: I think the witness testified more fully before when he was on the stand.

1484 Mr. Keele: I cannot keep straight what he testified to before. I thought he testified to the conversation with Mr. Anselm, and I do not recall much more.

Trial Examiner Dudley: I do not remember exactly myself.

Mr. Keele: He may have been called in the other case. I have only one or two questions.

Trial Examiner Dudley: Very well. Proceed.

Q. (By Mr. Keele) Now, Mr. Fagan, during the time that you were doing what you could or what you did do to assist the men who were inside to stay there, did you work with Mr. Germer at any time along those lines?

A. Yes, a little.

Q. You did?

A. Along what lines?

Q. I mean, along the lines of trying to assist the men to stay in the buildings.

A. Yes.

Q. What did you do with him? I mean, what did you do along that line? You brought down food, did you not, with Germer?

A. I don't remember bringing any food.

Q. What did you do with Germer?

A. I was just aiding him, like I told you.

Q. What do you mean "aiding"?

A. Aiding in getting some money.

Q. Did you do anything else besides get money?

1485 A. No.

Q. Do you remember how clear your memory was about the date upon which you had a conversation with Mr. Anselm, away back in September, yesterday when you testified?

A. Sure.

Q. All right. Now, can you not remember just as clearly what happened only three months ago?

A. I couldn't remember all of that.

Q. Well, try to help us along. It is getting pretty late.

Did you work with Magness? You said you worked with Magness, to assist these strikers, did you not?

A. Yes.

Q. What did you do with Magness?

A. The same thing.

Q. Did you go out collecting money?

A. Yes.

Q. Anything else?

A. That is all I recall right now.

Q. Were you present when Magness helped bring any food down there, and sent any food in to the men?

A. Not that I remember.

Q. What about Puntarvich, Bartow Puntarvich? You know him, do you not?

A. I know him.

Q. Yes. Did you work with him?

1486 A. I never did anything with him. I never had anything to do with him.

Q. You did not. That is all you can tell us about what you did to assist him?

A. That is about all that I can remember.

Q. What about Hoff or Huff? Did you do any work with him?

A. Who?

Q. Hoff or Huff?

A. No.

Q. Charley Fulkerson?

A. No.

Q. Charley Fulkerson, Jr.?

A. No.

Q. Harry Rayner?

A. No.

Q. Starovich?

A. No.

Q. You rode in Magness' car, did you not?

A. Yes.

Q. When Magness was bringing food down there?

A. I don't remember of having any food in the car.

Q. You went around with Magness in his car when you were soliciting money, did you not?

A. The only time I had food in Magness' car is after the eviction.

1487 Q. Yes.

A. We were getting food for our own kitchen, for ourselves.

Q. For whose kitchen?

A. For our—what was to be our little meeting place, where we hung around.

Mr. Keele: I think that is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Trial Examiner Dudley: We will adjourn at this time until nine-thirty tomorrow morning.

(Thereupon, at 5:20 o'clock p. m., June 16th, 1937 the hearing of the above entitled matter was adjourned until Thursday, June 17th, 1937, at 9:00 o'clock a. m.)

1492 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-80) • •

Circuit Court Room, County Building,
Waukegan, Illinois,
Thursday, June 17th, 1937.

The above-entitled matter came on for further hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

Tilford E. Dudley, Trial Examiner.

Appearances:

William R. Walsh, Regional Attorney, on behalf of the
National Labor Relations Board.

Levinson, Becker, Peebles & Swiren, Suite 2525, One
North La Salle Street, Chicago, Illinois, by

Max Swiren, Harold M. Keele, Suite 2525, One North
La Salle Street, Chicago, Illinois; and

Sidney H. Block, Waukegan, Illinois, on behalf of Fan-
steel Metallurgical Corporation.

Lester Collins, Waukegan, Illinois, on behalf of Lodge
66, Amalgamated Association of Iron, Steel and Tin
Workers of North America.

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PROCEEDINGS.

Trial Examiner Dudley: The hearing will come to order.

Mr. Walsh: The first witness I wish to call is Joe Petraitis.

Is Joe Petraitis here?

(No response.)

Mr. Walsh: I will recall Mr. Hendee.

EUGENE D. HENDEE, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Your name is Eugene Hendee?

A. Yes, sir.

Q. You were sworn yesterday, and testified in this proceeding.

A. Yes, sir.

Q. We asked you to verify how much money you had earned between February 26th, 1937, and the present time.

A. Yes, sir.

Q. You have checked up on that amount, have you?

A. Yes, sir.

Q. And that amount is \$182—

A. No.

Q. No—

A. At the bottom there, that is the Social Security.

Q. Just a moment. That amount is \$180.58; is that correct?

1494 A. Yes, sir.

Mr. Walsh: That is all.

Mr. Keele: No questions.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: Is Joe Petraitis here now?

Mr. Collins: No.

Mr. Walsh: Phil Graimer.

PHIL GRAIMER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Phil Graimer?

The Witness: Right.

Mr. Collins: Will you spell your last named for the reporter, please, Mr. Graimer.

The Witness: G-r-a-i-m-e-r.

Mr. Collins: Have you been served with a subpoena, to appear before the Examiner here?

The Witness: Yes, sir.

Mr. Collins: On behalf of the witness, I would like to claim his constitutional privilege against self-incrimination, under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

Direct Examination.

1495 Q. (By Mr. Walsh.) What is your address?

A. 1424 Lincoln; North Chicago, Illinois.

Q. How long have you been employed by the Fansteel Metallurgical Corporation?

A. 18 years.

Q. What was your job?

A. Grinder.

Q. In what department?

A. Department 3, Contact Department.

Q. When did you join the union?

A. In August.

Q. 1936?

A. Right.

Q. Did the plant operate between February the 17th and February the 26th, 1937?

A. Well now, that I don't know, but it must have been, as I understand it.

Q. Were you in the plant?

A. Yes, sir.

Q. Were you one of the men who stayed in the plant between February the 17th and February the 26th?

A. Yes, sir.

Q. Then there was not any productive work going on in the plant, was there?

A. No, sir.

1496 Q. When did you draw your last pay?

A. February 26th.

Q. Did the company take up your pass at that time?

A. Yes, sir.

Q. Did you talk to anybody about going back to work?

A. No, sir.

Q. Did anybody offer to reinstate you to your job?

A. No, sir.

Q. And you have never been offered re-employment since that time?

A. No, sir.

- Q. What was your hourly rate of pay?
 A. I was getting 55 cents per hour.
 Q. How many hours per week did you work?
 A. 40.
 Q. What was your weekly pay?
 A. Well, around \$25 or \$27.
 Q. Between \$25 and \$27?
 A. Yes, sir.
 Q. How much have you earned since February 26th?
 A. About \$98.
 Q. What did you do to earn that money?
 A. Trucking.
 Q. Driving a truck?
 A. Yes, sir.
 1497 Q. Do you normally work outside, when you are employed at Fansteel?
 A. No, sir.
 Q. Are you one of the respondents in the contempt case—
 A. Yes.
 Q. (Continuing)—and one of the defendants in the injunction case?
 A. Yes, sir.
 Q. When the work stopped on February the 17th, did the management ask you to stop work there?
 A. No, sir.
 Q. The stoppage of work was caused by the men taking over the buildings, was it?
 A. Yes, sir.
 Mr. Walsh: That is all.

Cross-Examination.

- Q. (By Mr. Keele.) Have you made any application for reinstatement?
 A. No, sir.
 Q. You were not in the buildings, were you?
 A. Yes, sir.
 Q. Oh, you were?
 A. Yes, sir.
 Q. What building were you in?
 A. 3.
 1498 Q. Building 3?
 A. Yes, sir.

Q. And you were there from February 17th until February the 26th, inclusive?

A. Yes, sir.

Q. You went in when the other men went in, did you?

A. Yes, sir.

Q. And you stayed in there with them.

A. Right.

Q. And came out when they came out?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you very much. (Witness excused.)

Mr. Walsh. John Cudith. This witness has not been sworn, if the Examiner please.

JOHN CUDITH, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is John Cudith?

The Witness: Yes, sir.

Mr. Collins: Spell your last name for the reporter.

The Witness: C-u-d-i-t-h.

Mr. Collins: You were just served with a subpoena, to appear before the Examiner here, were you?

1499 The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim the witness' privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 3045 North Kimball.

Q. How long were you employed by Fansteel?

A. Since November 17th, up to the strike.

Q. November 17th of—

A. 1936.

Q. What was your job?

A. Header-man.

Q. Header-man?

A. Yes, sir.

Trial Examiner Dudley: What department?

Q. (By Mr. Walsh.) What department was that in?

A. I don't remember the department.

Q. Well, what did you do; head up contact points?

A. I headed up contact points, yes, sir.

Q. When did you join the union?

A. About a month after I was employed there.

Q. That would be about December of 1936?

A. Yes, sir.

1500 Q. Did the plant operate between the 17th of February and the 26th of February, 1937?

A. The 17th of what?

Q. Of February.

A. I don't know.

Q. Were you inside the plant during that period?

A. During the strike?

Q. Yes.

A. Yes, sir.

Q. Well, did—

A. No, they didn't operate.

Q. It did not?

A. No.

Q. Nothing was made there during that time?

A. No.

Q. When did you draw your last pay?

A. My last pay?

Q. Yes.

A. I believe two weeks after—a week or two after—

Q. After you got out of there?

A. After we got out of there.

Q. That would be some time in the early part of March, then; is that right?

A. Yes, sir.

Q. Did the company take up your pass at that time?

1501 A. Yes, sir.

Q. Did you talk to anybody about going back to work?

A. No, I didn't.

Q. Or did anybody offer you your job back?

A. No.

Q. What was your hourly rate of pay?

A. 60 cents.

Q. And how many hours per week did you work?

A. I put in eight hours per day.

- Q. 40 hours?
A. 40 hours.
Q. What did your weekly pay amount to?
A. \$24.
Q. How much have you earned since February 26th?
A. Up until now, you mean?
Q. Yes.
A. Well, about \$60.
Q. What did you do to earn that money?
A. WPA.
Q. Normally, when you are working at Fansteel, do you do any work on the outside for pay?
A. No, I don't.
Q. You were one of the men who stayed in the buildings, were you not?
A. Yes, sir.
1502 Q. From February 17th to February 26th?
A. Yes, sir.
Q. And were you one of the respondents in the contempt case, and one of the defendants in the injunction case?
A. That I don't know.
Q. Well—
A. You see, I wasn't summoned for that trial, and so I don't know.
Q. Did the management ask that the work be stopped on February 17th?
A. The management?
Q. Yes—the boss?
A. Not that I know of.
Q. The stoppage of work was caused by the men taking over the buildings, was it not?
A. That is what I believe.
Mr. Walsh: You may inquire.

Cross-Examination.

- Q. (By Mr. Keele.) You did not sign any application?
A. No.
Q. For re-employment, did you?
A. No.
Q. What did you say your weekly rate of pay was? I did not get that?
A. \$24.

1503 Q. And your earnings have been what, since February the 26th down to date?

A. About \$60. I am not just sure, though.

Q. About \$60?

A. Yes, sir.

Q. You were in which building, 3 or 5?

A. 3.

Q. You went in there on the afternoon of February the 17th?

A. Yes.

Q. When the other men went in there.

A. Yes, sir.

Q. And you stayed in there until you left on February the 26th, did you?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: I will recall Harold Dreyer. This witness has been previously sworn, your Honor.

HAROLD DREYER, recalled as a witness, for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) You have been sworn.

1504 A. Yes.

Q. You testified here before.

A. Yes, sir.

Q. What is your address?

A. 323 McKinley.

Q. How long were you employed by Fansteel?

A. Between 9 and 10 years.

Q. What was your job?

A. Why, I was a pieceworker, working on cutting and grinding.

Q. In the Contact Department?

A. Yes, sir.

Q. When did you join the union?

A. I believe it was in July or August?

Q. 1936?

A. Yes, sir.

Q. Did the plant operate between February the 17th and February the 26th?

A. February 17th and 26th?

Q. Yes.

A. No.

Q. When did you draw your last pay from the Fansteel Company?

A. Well now, let me see. I think it was March 5th.

Q. Did the company take up your pass at that time?

1505 A. Yes.

Q. Did you talk to anybody about coming back to work?

A. No.

Q. Have you been offered reinstatement?

A. No.

Q. What was your hourly rate of pay?

A. My day work was 55 cents, and my piecework was more than that.

Q. You earned more than 55 cents on piecework?

A. Yes, sir.

Q. How much did your weekly pay amount to?

A. I made \$1400 last year, but I couldn't state how much I did make per week.

Q. It would vary, would it?

A. Yes.

Q. Well, what is your estimate; can you tell me what your half-monthly check in February amounted to?

A. On February 20th I received \$102, I believe,—unless it was the pay before.

Q. If it was for that pay, that would be for the period covering the time from the 1st until the 15th of February, 1937—

A. Yes.

Q. Is that right?

A. Right.

1506 Q. How much have you earned since February 26th?

A. \$47.50.

Q. What did you do to earn that money?

A. Well, I did a little patching up on houses, on lathing jobs, and so forth.

Q. Normally when you are employed at Fansteel, you have no regular employment outside for pay, have you?

A. No, sir—well, I have worked on Saturdays, on certain occasions once in a while, carpenter jobs, but that is all.

Q. You were one of the men who occupied the buildings, were you not?

A. Yes, sir.

Q. Between February 17th and February 26th.

A. Yes, sir.

Q. And you were one of the respondents in the contempt case,—

A. Yes.

Q. —and one of the defendants in the injunction case, were you not?

A. Yes, sir.

Q. Now, when work stopped on February the 17th, the management did not ask you to quit work, did they?

A. The management?

Q. Yes.

A. No, sir.

Q. The stoppage of work was caused by the men taking over the plant, was it not?

1507 A. Yes, sir.

Q. You have never been offered any re-employment by the company, have you—

A. No.

Q. —since February 26th?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You never made application for re-employment, did you, Mr. Dreyer?

A. How?

Q. You never made application for re-employment, did you?

A. At Fansteel?—

Q. Yes.

A. No.

Q. I did not get your rate of pay. What did you say you made during last year?

A. The last year was \$1400.

Q. That would be a little over \$25 a week, would it not?

A. I never figured it out.

Q. And you said you made \$102, or you got \$102 in your last paycheck?

A. Yes, sir, but I had more overtime in the last year than I ever had in my life before.

1508 Q. All right. Now, that check for \$102 covered the period from February the 1st to February the 15th; is that correct?

A. Well, as I say, I think it was that pay, or the pay before that.

Q. Do you recall what the amount of the check was, before the check for \$102?

A. The check before?

Q. Yes.

A. Oh, I don't remember.

Q. Well, was it about that amount?

A. No.

Q. Was it more, or less?

A. It was under, I believe.

Q. Less than that?

A. Yes.

Q. That was a pretty high check—

A. Yes.

Q. —that \$102 check, was it not?

A. Yes, sir. it was; that was the highest I had since 1930 or 1931, I believe.

Q. That is what I was getting at.

A. Yes.

Q. Well now, what was the average of your checks, if you can tell us, running back four or five checks before that, say?

1509 A. Well—

Q. Or about the average?

A. Well now, I just couldn't say. We worked so much overtime there that I couldn't say.

Q. Well—

A. They varied, and I couldn't say.

Q. Did it run \$80, for two weeks?

A. Yes, there was some \$80 checks, some \$70, and some \$90.

Q. Well, can you not give us some idea of what amount your average weekly pay was for the last three months, let us say, prior to February the 17th?

A. I would say, \$45.

Q. \$45?

A. \$40 to \$45.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down; thank you.
(Witness excused.)

Mr. Walsh: If the Examiner please, this man is working, and I would like to have him excused from further attendance at the hearing. If the other side needs him, we will call him.

Trial Examiner Dudley: Very well. Mr. Dreyer, you are excused from further attendance here, and you need not return unless you are notified to do so.

1510 Mr. Walsh: Victor Hertel.

VICTOR HERTEL, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Victor Hertel?

The Witness: Yes, sir.

Mr. Collins: Spell your last name for the reporter, please, Mr. Hertel.

The Witness: H-e-r-t-e-l.

Mr. Collins: You have been served with a subpoena, to appear before the Examiner her this morning, have you?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim for the witness his privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 512 Oak.

Q. Waukegan?

A. Yes, sir.

Q. How long were you employed by Fansteel?

A. Two months.

Q. What was your job?

A. Grinder.

Q. In the Contact Department?

1511 A. Yes, sir.

Q. When did you join the union?

A. December.

Q. 1936?

A. Yes, sir.

Q. Did the plant operate between February the 17th and February the 26th, 1937?

A. No, sir.

Q. When did you draw your last pay?

A. Either the 5th or 6th of March.

Q. Did the company take up your pass at that time?

A. No, they didn't.

Q. Did you talk to anybody about going back to work?

A. No, sir.

Q. Did the company offer you re-employment?

A. No, sir.

Q. What was your hourly rate of pay?

A. 44 cents.

Q. How many hours per week did you work?

A. 40.

Q. What was your weekly pay?

A. Well, I got a little piecework once in a while, and I would say, around \$19.

Q. About \$19 a week?

A. Yes, sir.

1512 Q. How much have you earned since February 26th, 1937?

A. Around \$50.

Mr. Keele: How much?

The Witness: Around \$50.

Q. (By Mr. Walsh.) What did you do to earn that money?

A. Driving cars.

Q. Normally, when you were employed at Hansteel, did you do any work on the outside for pay?

A. No, sir.

Q. You were one of the men who occupied by the plant between February the 17th and February the 26th, were you not?

A. Yes, sir.

Q. You were one of the defendants in the injunction case?

A. Yes.

Q. And one of the respondents in the contempt case.

A. Yes, sir.

Q. Now, when the work stopped there on February the 17th, the company did not ask you to stop work, did it?

A. No.

Q. The stoppage of work was caused by the men taking over the buildings; is that right?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You made no application for 1513 re-employment, did you?

A. No, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused; thank you.
(Witness excused.)

Mr. Walsh: Off the record a moment, if the Examiner please.

Trial Examiner Dudley: Off the record, Mr. Reporter.
(Discussion outside the record.)

Mr. Walsh: Take this stipulation, please, Mr. Reporter.

It is stipulated and agreed by and between counsel for Fansteel Metallurgical Corporation, and counsel for the National Labor Relations Board, that Stanley Grum was an employee of Fansteel Metallurgical Corporation, employed in the Contact Department; that his average weekly wage was \$35 per week; that he was one of the men who occupied the buildings of the company between February the 17th and February the 26th, 1937; that he was a defendant in the injunction case, and a respondent in the contempt case, in the proceedings between Fansteel Metallurgical Corporation and Lodge 66, Amalgamated Association of Iron, Steel and Tin Workers of North America, et al.; that he was cited for contempt in the contempt proceeding; that he is at the present time under quarantine with scarlet fever, and is not available for 1514 the purpose of giving evidence or testifying in this case; and that he did not apply for re-employment.

It is further stipulated and agreed that should a check of the records of the company indicate that his weekly wage was an amount different than \$35 per week, it may be so shown in this stipulation.

Trial Examiner Dudley: That is stipulated, is it?

Mr. Keele: Yes, your Honor.

Mr. Walsh: John Grom. We are now going into the second group, if the Examiner please. This witness has not been sworn.

JOHN GROM, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is John Grom?

The Witness: Yes, sir.

Mr. Collins: Spell your last name for the reporter, please.

The Witness: G-r-o-m.

Mr. Collins: Have you been served with a subpoena, to appear here before the Examiner?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim the witness' privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

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Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 1612 Tenth Street, Waukegan.

Q. You will have to speak a little louder, so that we can all hear you.

A. 1612 Tenth Street.

Q. How long were you employed by Fansteel?

A. Three and a half years.

Q. What was your job?

A. Ammonia cracker.

Q. Was that in the Chemical Department?

A. Yes.

Q. When did you join the union?

A. In July.

Q. 1936?

A. Yes, sir.

Q. When did you draw your last pay from the Fansteel Company?

A. Some time in March.

Q. Would that be March 5th?

A. About that, yes.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Now, just before February the 17th, 1937, you were on the night shift, were you not?

- A. Yes, sir.
- 1516 Q. And did you report for work on February 17th?
- A. Yes, sir.
- Q. To whom did you talk that day, if anybody?
- A. The watchman.
- Q. What did the watchman tell you?
- A. He said that I can't get in tonight.
- Q. Did he tell you why you could not get in that night?
- A. Yes, sir.
- Q. What did he say?
- A. I asked him, what is the matter, and he said that there was a strike there.
- Q. Now, during the course of that strike, were you around the company's plant?
- A. Yes, sir.
- Q. Did you work on the picket line?
- A. Yes, sir.
- Q. When were you on the picket line?
- A. Oh, pretty near every day.
- Q. Before February the 17th, did you have any talk with your foreman, or with your boss, about being a member of the union?
- A. No.
- Q. Did you receive any raises during the time that you were working for Fansteel?
- A. Yes, sir.
- 1517 Q. How many?
- A. I received two.
- Q. When did you get those raises?
- A. Well, I got one in July of last year, 1936, and I got one last November; that was a general raise.
- Q. A general raise.
- A. Yes.
- Q. Was the July raise a general raise also?
- A. Yes—no.
- Q. That was not a general raise?
- A. No.
- Q. What was your hourly rate of pay?
- A. 53 cents.
- Q. How many hours a week did you work?
- A. About 40 hours.
- Q. What did your weekly pay amount to?
- A. About \$21.20.
- Q. Have you earned any money since February the 26th, 1937?

A. No.

Mr. Keele: What was the amount of the weekly pay?

Mr. Block: \$21.20.

Q. (By Mr. Walsh.) Tell us again, how much was your weekly pay?

A. \$21.20.

Q. Were you one of the respondents in the contempt case?

1518 A. No, sir.

Q. And one of the defendants in the injunction case?

A. No.

Q. During the time that you worked for Fansteel, did anybody criticize you about the way you did your work?

A. No, sir.

Q. Have you been offered re-employment since February the 26th?

A. No.

Q. Did you ask anybody to take you back to work?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You reported for work, you say, on the night of February the 17th?

A. How is that again, please?

Q. You reported at the plant for work on the night of February the 17th?

A. Yes.

Q. And you found that the buildings were occupied at that time, buildings 3 and 5, by the strikers, did you not?

A. No.

Q. Oh, yes; the buildings were occupied on that night, were they not, by the men?

A. Oh, yes, sure.

1519 Q. All right. What did you do?

A. What is that?

Q. What did you do then, when you got to the plant and found that you could not get in?

A. I went home.

Q. You went home?

A. Yes, sir.

Q. When did you next come to the plant?

A. The next morning.

Q. What did you do then?

A. Well, then I just walked around the fence, that's all, and talked to the men.

Q. You were not supposed to be around there in the day-time, were you?

A. No.

Q. You worked at night.

A. Yes.

Q. And you came there the next morning.

A. Yes.

Q. That was February the 18th?

A. Yes.

Q. And you went to the east side of the plant?

A. Yes.

Q. Outside the fence.

A. Yes.

1520 Q. And you talked to the men, in buildings 3 and 5, did you?

A. Yes, sir.

Q. You encouraged them, did you not?

A. No.

Q. You told them to stick it out, did you not?

A. No, I didn't say anything.

Q. What did you say to them?

A. Nothing.

Q. You talked to them.

A. I just talked to them, that is all.

Q. What did you say?

A. Oh, I don't know what I was talking about now. I had some friends in there, and I talked to them, that is all.

Q. How long did you stay there that day?

A. About two hours.

Q. About two hours.

A. Yes, sir.

Q. That was in the morning.

A. Yes.

Q. Did you come back there again in the afternoon?

A. No, not that day.

Q. Did you come back that night?

A. No.

Q. Were you there the next day?

A. Yes.

1521 Q. The 19th.

A. Yes, sir.

Q. When did you come there the next day?

A. In the morning.

Q. And how long did you stay there that morning?

A. Oh, about three or four hours.

Q. All right. And what were you doing there during those three or four hours?

A. Just walking around.

Q. Just walking around.

A. Yes, sir.

Q. Did you come back that afternoon?

A. No.

Q. Or that night?

A. No, sir.

Q. As a matter of fact you were there practically every day, were you not, while the men were in the building?

A. Yes.

Q. You were outside of the fence there?

A. Yes.

Q. Did you bring any food down there?

A. No.

Q. Did you bring any supplies of any kind down there?

A. No.

Q. For the men inside the buildings.

1522 A. No, sir.

Q. Did you solicit any money?

A. No.

Q. You did not do anything to help those men?

A. No, sir.

Q. Are you sure of that?

A. Yes.

Q. As a matter of fact did you not go around with Magness in his car?

A. No.

Q. During that time?

A. No, sir.

Q. You did not do anything of any kind to assist the men who were on the inside?

A. No, sir.

Q. Now, what department were you in?

A. (No answer.)

Q. Where did you work?

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A. I don't know what department it was.

Q. Well, what did you do?

A. Ammonia cracker.

Q. How?

A. Ammonia cracker.

Q. Ammonia cracker.

A. Yes, sir.

1523 Q. That was in the furnace building.

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: Charles Fulkerson. Will you swear the witness, if the Examiner please.

CHARLES E. FULKERSON, JR., called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Charles E. Fulkerson, Jr.?

The Witness: Yes, sir.

Mr. Collins: Spell your last name for the reporter, please.

The Witness: F-u-l-k-e-r-s-o-n.

Mr. Collins: Have you been served with a subpoena, to appear before the Examiner here this morning?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim for the witness his privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

1524 A. 511 Fulton Avenue, Waukegan, Illinois.

Q. Talk up a little louder, so that we can all hear you. How long were you employed by Fansteel?

A. Nearly three months.

Q. What was your job?

A. I worked in the Sintering Department.

Q. What did you do there?

A. Operated electrical furnaces.

Q. When did you join the union?

A. In February, the first of February.

Q. On February the 17th, or just before February the 17th, 1937, were you on the night shift?

A. Yes.

Q. Did you report at the plant for work on February the 17th?

A. No.

Q. When did you report for work?

A. I didn't report for work—I was supposed to go to work on February 18th.

Q. I see. Well, had you worked the night of February 16th, and the morning of February 17th?

A. No.

Q. You had not?

A. No.

Q. Had you been regularly employed?

1525 A. Yes.

Q. Then that was just a layoff; is that right?

A. No.

Q. Well then—

A. I finished work Monday morning.

Q. Go ahead.

A. I finished work Monday morning, and then I was supposed to go to work on Thursday again. I had a three day vacation in there.

Q. Oh, I see. You had three days off in there.

A. Yes, sir.

Q. I see.

A. And the strike occurred Wednesday.

Q. And you were not supposed to start again until Thursday night?

A. Thursday night.

Q. And the strike occurred on Wednesday.

A. Yes, sir.

Q. So you were supposed to report for duty on the 18th of February; is that right?

A. Yes, sir.

Q. Now, why did you not report for duty on the 18th of February?

A. Well, because I knew that there was a strike there, and so I didn't report.

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1526 Q. Did you go down to the plant?

A. Yes, sir.

Q. Did you talk with somebody down there?

A. Yes, sir.

Q. To whom did you talk?

A. I talked to my father.

Q. Now, when did you draw your last pay from the company?

A. I think it was the 20th of February.

Q. That was the regular pay day, was it?

A. Yes, sir.

Q. What was your hourly rate of pay?

A. 44 cents per hour.

Q. How many hours per week?

A. 40.

Q. What did your weekly pay amount to?

A. \$17.60.

Q. At the time you drew your last check, did the company take up your pass?

A. No.

Q. Has the company ever taken up your pass?

A. No.

Q. Since the 26th of February, have you been offered re-employment?

A. No.

Q. Did you take part in the strike that was on the
1527 plant of the company?

A. I wasn't in the buildings, no.

Q. Did you do anything on the outside?

A. Well, I helped my father.

Q. What did you do to help your father?

A. Why, I gave him my coat, and blankets, and things like that.

Q. Did you work on the picket line?

A. No.

Q. Were you one of the respondents in the contempt case?

A. I don't think so.

Q. Or one of the defendants in the injunction case?

A. I don't believe so.

Q. Did you apply for re-employment after the plant opened?

A. No.

Q. And nobody offered to take you back on your job, did they?

A. No.

Q. What have you earned since February 26th, 1937?

A. \$29.

Q. What did you do to earn that money?

A. I worked in another plant.

Q. In what plant did you work.

A. Abbott.

Q. What did you do over there?

1528 A. I worked in the returned goods department.

Q. Normally, when you were employed at Fansteel, did you do any work on the outside for pay?

A. No, sir.

Q. During the time that you were employed by Fansteel, did you get any raises?

A. No.

Q. Did anybody criticize your work?

A. No, sir.

Q. Did you discuss the fact that you were a member of this union, with your boss, or with your foreman?

A. No, sir, I didn't; I never seen my boss once or twice, but I discussed it with the other fellows I worked with.

Mr. Keele: We cannot hear.

Mr. Walsh: Speak a little louder.

The Witness: I say, I only seen my boss once or twice, because he worked days and I worked nights; but I discussed it with the other fellows that I worked with.

Q. (By Mr. Walsh) You made no secret of the fact that you were a member of the union, did you?

A. No, sir.

Cross-Examination.

Q. (By Mr. Keele) You say you helped your father while he was within the buildings, inside of the buildings, during this period from February the 17th to February the 26th, did you?

1529 A. Yes, sir.

Q. You brought him a coat?

A. Yes, sir, I brought him a coat, and also a blanket.

Q. Anything else?

A. That's all that I can remember.

Q. Did you assist in connection with food being sent into the buildings?

A. No, sir.

Q. Did you bring anything at all in there, besides the coat and the blankets?

A. I believe I brought him some gloves; just things to keep him warm.

Q. Had he told you what he wanted, and instructed you to go and get them?

A. No, sir, he told me he didn't need anything, but I brought them anyway.

Q. And that is all you did—

A. Yes, sir.

Q. —to help your father?

A. Yes, sir.

Q. You were over there every day, were you not?

A. No.

Q. How long were you there?

A. I was there three times only, I believe, while they
1530 was in the buildings.

Q. Only three times.

A. Yes, sir.

Q. You had only been working at the plant a few months, had you not?

A. I don't recall now just exactly, but I think it was a little longer than that. That is—

Q. Well, when did you go to work?

A. I don't remember exactly.

Q. Well, about when?

A. I can't remember. It was either before December, or after December, but I don't just recall now.

Q. Well, might it have been in December?

A. Well, it could have been, yes, sir, but I don't know; I don't remember now.

Q. Well, you had not been working there more than three months, had you?

A. No.

Q. Not over three months.

A. No, sir.

Q. Had you ever done anything to indicate to any of the foremen, or any of the members of the management around there, that you were a member of the union?

A. Well, I never seen them, only to get my check, and I don't know who I got my check from.

1531 Q. You worked at night?

A. Yes, sir.

Q. When the foreman were not there, and when the officers of the company were not there?

A. That is right.

Q. And you never discussed with any of them, the fact that you were a member of the union, did you?

A. No.

Q. And as a matter of fact, you rarely saw any members of the union at work there, did you?

A. Well, I don't know who was in the union.

Q. Well, how many men were there, when you were there at night?

A. Oh, let me see. There might have been six men—or seven men. I don't remember exactly.

Q. You were not on any committee of the union, were you?

A. No, sir.

Q. Did you go to any of the meetings of the union?

A. You mean, before the strike?

Q. Yes.

A. No.

Q. You did not go to any of the meetings of the union at all?

A. No.

1532 Q. You took no active part whatever in the affairs of the union?

A. No, not in the meetings.

Q. Did you do anything else that was in the nature of active participation, other than being a member?

A. Not active, no.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: Mr. Magness.

Trial Examiner Dudley: Have you been sworn?

Mr. Magness: No.

WILLIAM B. MAGNESS, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: State your name, please.

The Witness: William B. Magness.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: M-a-g-n-e-s-s.

708 *Witnesses for National Labor Relations Board.*

Mr. Collins: Have you received a subpoena to appear before the Examiner here this morning?

The Witness: Yes.

Mr. Collins: If the Examiner please, I would like to claim the witness' privilege, under Section 11, Paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination.

Q. (By Mr. Walsh) What is your address?

A. I live at 126 Wisconsin Avenue, Waukegan, Illinois.

Q. How long were you employed by Fansteel.

A. Around 16 or 17 years; I don't remember exactly just which.

Q. What was your job?

A. I was operating a contact cutting machine.

Q. When did you join the union?

A. I joined the union in July, 1936.

Q. What was your hourly rate of pay?

A. 55 cents per hour, but I worked on piece work most of the time.

Q. And how much did your weekly pay amount to?

A. Between \$30 and \$35 on piece work, as best I can figure it.

Q. If you worked on a straight hourly rate basis, would you work 40 hours a week?

A. Yes.

Q. Now, how much money have you earned since February the 26th, 1937?

A. Around \$80.

Q. And what did you do to earn that money?

1534 A. Well, I done some gardening work in Lake Forest.

Q. Normally, when you were employed by Fansteel, did you do any work on the outside for pay?

A. No.

Q. You were not one of the men who occupied the buildings during the strike period, were you?

A. I was not.

Q. Now, on February the 17th, 1937 you were employed on the night shift, were you not?

A. I was.

Q. Did you report for work on that day?

A. I did, at ten minutes to four.

Q. Did you go to work on that day?

A. I did not.

Q. To whom did you talk, if anybody?

A. I talked to the watchman at the gate, and he told me that they was not letting anybody in the fence, but that I would be notified when to report back.

Q. When to report to work?

A. Yes, sir.

Q. Now, during the time that you have been employed by Fansteel, have you had raises from time to time?

A. Oh, yes, in the last—well, in about six months, the last six months, I think there was a couple of raises there.

Q. You participated in the general raise, I take it?

1535 A. Yes.

Q. That happened along in the fall; is that right?

A. Around the 5th of November, I think it was,—or December; I don't recollect just exactly which.

Q. During the time that you worked there, say in the last six months, did you have any criticism of your work?

A. I did not.

Q. Did you ever discuss the fact that you were a member of the union, with your foreman, or your boss?

A. Well, I didn't discuss anything with my boss, no, sir, pertaining to that; but I did with the boys around the shop, and if he happened to be around, why, of course, we were talking about it?

Q. So he knew that you were a member of the union, did he?

A. Well, I suppose he did, although I can't say for sure.

Q. During the progress of this strike, did you take any part in it?

A. How do you mean?

Q. Well, what did you do, if anything? Did you help the men who were in the buildings?

A. I did.

Q. Did you put any food in there?

A. I did.

Q. Did you solicit money?

A. Yes.

1536 Q. To get supplies for the men who were in the buildings?

A. I did.

710 *Witnesses for National Labor Relations Board.*

Q. Did you work on the picket line?

A. I did.

Q. Were you one of the respondents in the contempt case?

A. No.

Q. One of the defendants in the injunction case?

A. Not to my knowledge.

Q. Has anybody offered you reemployment since February the 26th, 1937?

A. No, sir.

Q. Did you make any application for reemployment?

A. I did not.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) How often were you down to the Fansteel property during the period from February 17th to February 26th?

A. I was there every day.

Q. Were you in court on the morning of February the 18th, when the injunction proceeding was had?

A. I was.

Q. And you heard Judge Dady, in this court room, enter an injunctinal order, did you not?

A. No, sir, I didn't hear him. I couldn't hear him; I really couldn't hear anything that they said.

1537 Q. Where were you?

A. I was sitting right over there on the east side of the court room.

Q. You are able to hear me now, are you not?

A. How is that?

Q. You are able to hear me now?

A. I can.

Q. Speaking in a normal tone of voice?

A. I can.

Q. And you heard the discussion that morning between the lawyers, did you not?

A. I heard them discussing something there, yes, sir.

Q. And you knew that the court entered that order that morning, did you not?

A. I knew it the next morning; the injunction was served the next morning, on the 19th.

Q. Well, as a matter of fact the sheriff went out there that afternoon and served that injunction, did he not?

A. I didn't know that.

Q. Well, you did know that it was served, the next morning?

A. I did.

Q. And after that, you knew the sheriff made an attempt the next morning to get the men out, did you not?

A. Yes.

Q. Were you there at that time?

1538 A. Yes.

Q. How did you happen to be out there at that hour of the morning?

A. I went down there to take some food in to the men that morning, and I was there about 6:00 o'clock; it was about 6:00 o'clock when I got down there, or 6:15, I think it was.

A. All right. And that was in spite of the fact that you knew there was an injunctinal order issued—

A. I didn't know there was an injunction.

Q. Just a moment.

A. Not at that time.

Q. You said you learned it the next morning?

A. On the 19th.

Q. And after that you helped get food in to the men, did you not?

A. I did not.

Q. You did not?

A. Not after that, I didn't help get no food in there, but I did take bedding and clothing down to the boys down there.

Q. Well, you helped furnish supplies?

A. I did.

Q. So that they could stay in the buildings?

A. I did.

1539 Q. And you knew at that time that there was an injunctinal order of court, ordering them to vacate those buildings, did you not?

A. I did.

Q. And in spite of that fact, you went right ahead and helped them to stay in there, in defiance of that court order, did you not?

A. I brought stuff down there—

Q. I say, you helped them stay in there?

A. I brought it down.

Q. For the purpose of helping them?

A. For the purpose of letting them have bedding, or clothing,—whatever it was.

Q. Well, I say, you did it to help them, did you not, so that they could stay in there?

A. It was to help them.

Q. You were down there nearly every day, or every day, were you not?

A. I was down there every day, I believe.

Q. Every day.

A. Yes.

Q. All right. And you used your car—

A. Yes.

Q. —in soliciting funds?

A. Yes.

Q. You took men around with you there, did you not?

1540 A. Well, I don't know of anybody that I did take around, only Earl Fagan, the first two days.

Q. Fagan went around with you?

A. Yes, sir.

Q. Anybody else?

A. No, sir, not to my knowledge, although maybe somebody rode back and fourth with me once in awhile; I won't say.

Q. Were you there at the time of the last gas attack?

A. I was.

Q. On the 26th.

A. I was.

Q. Where were you then?

A. I was standing on the outside of the fence.

Q. What were you doing?

A. I was just there doing what I had always been doing, when I was down there; just standing around.

Q. You were just standing around, on the outside of the fence were you?

A. Yes.

Q. You did not move away at all?

A. Oh, yes, I did, sure.

Q. Oh. That was when the gas began to get bad, was it?

A. Well—

Q. You did not go away from there at all that morning, but you stayed right there until the gas drove you away
1541 from there; is that it?

A. Well, I didn't get down there until almost the time when they had the gas attack. I don't remember when I got down there, but it was quite early in the morning.

Q. About 5:00 o'clock, was it not?

A. It was before 5:00 o'clock.

Q. Before?

A. Yes.

Q. What were you taking down to the boys that morning?

A. I was taking nothing down there.

Q. How did you happen to be down there?

A. I just got ready and went down there; I done that every night, I guess, during the strike.

Q. But what about the morning? This was the morning.

A. Well, the morning, then.

Q. Were you doing 24-hour duty down there?

A. I was not doing 24-hour duty there, no, sir, but there was times when I would get up in the night, around 4:00 o'clock in the morning, or 3:00 o'clock in the morning, and go down there.

Q. You were an early riser?

A. Yes.

Q. What did you do down there while you were standing on the outside of the fence, when the attack was going on?

A. I walked around some, or else I walked up to the 1542 restaurant and got me a cup of coffee—

Q. No, no, I do not mean that; I mean at the time of the gas attack.

A. What do you mean?

Q. What were you doing down there at that time, while the gas attack was going on

A. Oh, walking around. I was—well, practically, after it started—I was up to the restaurant and around there, the same as the rest of the people. Most of them was quite a distance away from the shop, on account of the gas, there was so much gas.

Q. Did you go down there every morning at that hour?

A. Well, no, not at that hour. I was there at different times in the morning.

Q. And you just happened to be there that morning at four o'clock, did you?

A. No, I didn't just happen to be there. I went there different times, like I said. I was there that morning, I guess about 2:00 o'clock, and there was times that I would get up and go down there at 1:30, or 2:00 o'clock or various different times.

Q. Were you suffering from insomnia, Mr. Magness?

A. Well, I don't think I slept very much during that period.

Q. I see. I do not think you did either, if you were down there in the morning at that time.

1543 A. No.

Q. Was Fagan with you that morning?

A. Fagan wasn't there.

Q. Was he with you on these other mornings?

A. No, indeed.

Q. You just went down there alone?

A. I went down there alone, yes, sir; Fagan and I were out the last two or three days; we was collecting some money; but Fagan didn't go down there with me at night, or I don't think that he was down there with me after the second day, only when we were out collecting some money.

Q. When you went down there on the morning of the 26th, what time did you get down there, did you say?

A. I don't remember exactly what time it was, but I think it was around 1:30 or 2:00 o'clock; or maybe 2:30, I don't remember.

Q. You just went down there and stayed there until after the gas attack that morning, did you?

A. I went down there several other mornings, and just stayed around there too.

Q. Now, Mr. Magness, we are not interested at the moment in any other morning. Let us talk about this one morning, and supposing you just answer my question.

A. All right, sir.

Q. All right. Now, you say you were down there
1544 about one or two o'clock that morning?

A. Yes.

Q. And you stayed there until after the gas attack?

A. Yes, sir.

Q. All right. Did anybody go down there with you?

A. I really don't just remember whether anybody went with me that morning or not. There were several mornings that—well, I think some women went down there, a couple of women went down there early in the morning, about 6:00 or 7:00 o'clock in the morning; when they went down it was about 6:00 or 7:00 o'clock in the morning.

Q. Did you have any idea that there was going to be a gas attack that morning?

A. I had no idea whatever.

Q. You just happened to be down there?

A. I just happened to be down there, yes, sir.

Q. Did you see anybody you knew down there, when you got down there on the outside of the fence that morning?

A. I don't remember.

Q. It was pretty cool that morning, was it not?

A. Well, no; I don't think that it was so terribly cold that morning, no, sir.

Q. Well, during that period the weather was pretty cool, was it not?

A. It was.

1545 Q. And you were going down there at one or two o'clock in the morning, and standing around there in the cold weather the rest of the night, were you?

A. Oh, sometimes I stayed in my machine—lots of times,—because it was cold.

Q. The men were asleep in the buildings at that time, for the most part, were they?

7 A. Yes, sir.

Q. Now, you were down there on the 26th, and quite a crowd came there that morning, while you were there, did they not?

A. Well, there wasn't so much of a crowd there that morning, no, sir. I couldn't even estimate how many there were.

Q. They were scattered so, and there were so many of them around there, that it would be pretty hard to estimate how many there were, would it not?

A. I wouldn't say that, no.

Q. You saw a street car come down there and stop, and a whole street carload of people roll off, did you not?

A. I can't say that anybody got out of the street car, no, sir. In fact, I never seen anybody get out of the street car.

Q. The street car just came down there with nobody in it; is that it?

A. There was two of the street cars met there at that time, I think.

1546 Q. And you saw the street car stop with the trolley pole just outside the fence there, and people roll off it, did you not?

A. No, I never did; I never saw anybody get off of the street car.

Q. Were you down there that morning?

A. Yes.

Q. And you did not see that?

A. No.

Q. You did not see anybody throwing things from the outside of the fence, I suppose, either, did you, that morning?

A. I never saw anybody throwing anything from outside the fence that morning; not anything.

Q. You did not have anything to do with that, did you?

A. I am telling you I did not.

Q. But you were down there?

A. Yes.

Q. Outside the fence, all that time?

A. Yes.

Q. And you did not see anybody throwing anything?

A. I was down there and I did not see anybody throwing anything, no, sir.

Q. Did you talk to anybody in the crowd during the time you were down there that morning?

A. That morning?

1547 Q. Yes.

A. I don't remember that I did.

Q. Did you bring anything there for the men that morning?

A. No, I never did.

Q. Did you see Mr. Mills down there that morning?

A. I don't think I did; I don't remember seeing him down there that morning.

Q. Did you see Mr. Adelman down there that morning?

A. I did not.

Q. As a matter of fact, are you sure whether you saw any deputies down there that morning, or not?

A. Yes, I did.

Q. Oh, you can remember that?

A. I saw a few deputies

Q. A few?

A. A few deputies.

Q. Four or five?

A. I didn't know who they were.

Q. I say, four or five deputies?

A. Well, I can't say how many there were.

Q. You did see some gas that morning?

A. Yes.

Q. But you did not see anybody throwing anything?

A. I did not.

Mr. Keele: All right.

1548

Redirect Examination.

Q. (By Mr. Walsh.) Mr. Magness, did you see Mr. Keele there that morning?

A. How is that?

Q. Did you see Mr. Keele there that morning?

A. I didn't see Mr. Keele.

Mr. Keele: He did not see anybody.

The Witness: Oh, yes, I did.

Mr. Keele: Let us have his address.

Mr. Walsh: Pardon me?

Mr. Keele: We would like to have his address; let us have his address, please.

The Witness: My address is 126 Wisconsin Avenue, Waukegan, Illinois.

Mr. Keele: Thank you.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: I will recall Mr. W. D. Crump. This witness has already been sworn, if the Examiner please.

W. D. CRUMP, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Crump, I believe you testified here the other day, did you not?

A. Yes, sir.

Q. You were sworn.

A. Yes, sir.

Q. There was some question as to how much money you had earned between February the 26th and the present time, was there not?

A. I don't believe so.

Q. Did you say how much you had earned?

A. I don't remember whether I did or not.

Trial Examiner Dudley: I do not remember any question about that, Mr. Walsh.

Mr. Walsh: Pardon me?

Trial Examiner Dudley: I do not remember any question about that.

Mr. Walsh: I thought there was some question about it.

Mr. Block: I do not think he said anything about his salary.

The Witness: No.

Q. (By Mr. Walsh.) What was your hourly rate of pay?

A. Well, at the end it was 65 cents.

Q. How many hours a week did you work?

A. Normally, forty hours.

Q. What did your weekly pay amount to?

A. About \$26 and some cents.

1550 Q. Now, how much have you earned since February 26th?

A. About \$130.

Q. And what did you do to earn that money?

A. Well, I worked here in the court house, and as a gardener; odd jobs.

Q. When you are normally employed by Fansteel, do you do any work on the outside for pay?

A. No.

Mr. Walsh: You may inquire.

Q. (By Trial Examiner Dudley.) What was your hourly rate again; 65 cents?

A. Yes, sir.

Q. And you said that you have earned \$130 since February 26th?

A. Approximately.

Trial Examiner Dudley: I think it was the other Crump that you had in mind, Mr. Walsh.

Mr. Walsh: You are W. D. Crump, are you not?

The Witness: Yes.

Trial Examiner Dudley: You had Lester Crump on.

Mr. Walsh: We had Lester Crump on here yesterday. This witness was on once before.

Trial Examiner Dudley: Yes.

Mr. Keele: As a matter of fact he has been on twice before.

1551 The Witness: Yes, I was on twice.

Trial Examiner Dudley: But he did not testify on this phase of the proceeding.

Mr. Walsh: I do not want any repetition, of course. I have no further questions.

Mr. Keele: No questions.

Trial Examiner Dudley: That is all; thank you.

Mr. Keele: Oh, just a moment. I might ask him just one question.

Cross-Examination.

Q. (By Mr. Keele.) Did you make application for re-employment?

A. No, sir, I didn't.

Mr. Keele: That is all.

Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Walsh: Harry Rayner. This witness has not been sworn, if the Examiner please.

HARRY RAYNER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Harry Rayner?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the Reporter, please.

The Witness: R-a-y-n-e-r.

1552 Mr. Collins: Have you been served with a subpoena, to appear before the Examiner here this morning?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim the witness' privilege under section 11, paragraph 3 of the United States Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 1727 South Park Avenue, North Chicago, Illinois.

Q. How long have you been employed by Farsteel?

A. Four years.

Q. I believe during that period of four years you were off for about 9 months; is that correct?

A. I was off for about 9 months during that time, yes, sir.

Q. What department were you employed in?

A. The tool room.

Q. What was your job?

A. Tool and dye-maker.

Q. What was your hourly rate of pay?

A. 90 cents.

Q. How many hours a week did you work?

A. 40 hours.

Q. What did your weekly pay check amount to?

A. Well, at that rate, it amounted to \$36, but I
1553 always got a day or so in of overtime, during the week,
—or during the two weeks.

Q. During the two weeks' period?

A. Yes, sir. It would run about \$79 for two weeks.

Q. By "two weeks" you mean—

A. Half a month.

Q. —half a month.

A. Yes, sir.

Q. When did you draw your last pay from the company?

A. March 5th.

Q. And did the company take up your pass at that time?

A. No, sir. I lost it.

Q. Did you talk to anybody about returning to work?

A. No, sir.

Q. Were you offered reemployment of any kind by the
company?

A. Not directly, no.

Q. Well, did some person connected with the company,
talk to you about coming back to work?

A. Yes.

Q. Who?

A. Jay Bisbee.

Q. What is Mr. Bisbee's position with the company?

A. Well, I guess he is kind of a straw boss.

Q. What did he say to you, and what did you say to
him?

1554 A. Well, he didn't talk to me. He come to see me,
but I wasn't home, so he talked to my wife.

Q. Were you one of the men who occupied the buildings
from February 17th to February the 26th?

A. No, sir.

Q. You were present in the building, I believe, at the
time the trouble broke out, were you not?

A. Yes, sir.

Q. That was on February the 17th?

A. Yes, sir.

Q. What time did you leave the building on that after-
noon?

A. About an hour afterwards.

Q. Were you one of the respondents in the contempt case—

A. No.

Q. —or one of the defendants in the injunction case?

A. No, sir.

Q. At the time when the buildings—or rather, at the time that the work stopped there, did the management ask that the work be stopped?

A. I didn't get that.

Q. I say, when the work stopped there on February the 17th, the management did not tell the men to quit work, did it?

A. No.

Q. The stoppage was caused because the men took over the buildings; is that right?

1555 A. Because the power was shut off.

Q. Well, the men took the buildings over, did they not?

A. Yes, sir.

Q. Now, during the progress of the strike there, did you do anything down there?

A. No, sir.

Q. Did you work on the picket line?

A. Well, I was on the picket line toward the last, yes, sir, for a little bit.

Q. When were you on the picket line?

A. Oh, for about the last two weeks, I guess, I was out on the picket line.

Q. That would be sometime in April, I believe?

A. Yes, sir.

Q. Now, during the time that you worked there, did you ever discuss the fact that you were a member of this union, with your superior, your boss?

A. No, sir.

Q. Were you an officer of the union?

A. No, sir.

Q. Were you on the Bargaining Committee, or the Negotiating Committee of the union?

A. No, sir.

Q. During the progress of the strike, did you supply the men with any food or clothing?

1556 A. No, sir.

Q. During the time you worked there, did you have any criticisms made of your work?

- A. No, sir.
- Q. Did you get any raises during that period of time?
- A. How is that?
- Q. Did you get any raises in your wages—
- A. Yes.
- Q. —during the time you worked there?
- A. Yes, sir.
- Q. How many raises did you get, and what were they in amount?
- A. Well, when I started four years ago, I started at 50 cents per hour.
- Q. Yes.
- A. And then I got a nickel raise just after the general raise of a nickel. That was just after—or just before November. Then, there was another nickel raise.
- Q. When was that?
- A. I couldn't say exactly, but I think that was in January.
- Q. 1936?
- A. Yes—no, 1937.
- Q. 1937?
- A. Yes, sir; although I couldn't say just what time.
- Q. But you started out at 50 cents per hour?
- 1557 A. Yes.
- Q. Four years ago.
- A. Yes.
- Q. And when the trouble broke out, you were drawing 90 cents per hour; is that right?
- A. Yes.
- Q. How much money have you made since February 27th—or 26th?
- A. About \$85.
- Q. What did you do to earn that money?
- A. I was working up in Racine, for the Christian Manufacturing Company.
- Q. The Christian Manufacturing Company?
- A. Yes.
- Q. Normally when you are employed by Fansteel, do you do any work on the outside for pay?
- A. No, sir.
- Q. You were active in the work of this union, were you not, prior to the strike?
- A. After the strike.
- Q. After the strike.
- A. Yes.

Q. Were you active before the strike?

A. No.

Q. But after the strike, you have been active in it, have

1558 A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You say you left the building about an hour after the men took it over?

A. Yes, sir.

Q. What building were you in?

A. I worked in No. 3.

Q. What building were you in—after the men seized the building, did you stay in building 3, or in building 5?

A. I stayed in building 3, yes, sir, until I left.

Q. You were in sympathy with the men, were you not, in taking over those buildings?

A. Well, I couldn't be otherwise.

Q. All right. Then, why did you leave?

A. On account of my wife's sickness, the sickness of my wife, and her brother in the hospital.

Q. That night you were in Mr. Adelman's office, were you not?

A. No, sir.

Q. You were not?

A. No, sir.

Q. You returned to the plant during the strike, did you?

A. Once in awhile, yes.

Q. Did you do anything to help the men who stayed
1559 in those buildings?

A. No, sir.

Q. You did not do anything?

A. No, sir.

Q. Did you take any food—

A. No.

Q. (Continuing)—or any bedding, or any supplies out there?

A. No, sir.

Q. And you only went out there once or twice during the strike?

A. Oh, I was out there several times.

Q. Several times.

A. Yes.

Q. And you spent several hours out there a number of different times, did you not?

A. No, sir—not a couple of hours; I couldn't say that, no.

Q. You did not?

A. I was not there that length of time, no, sir.

Q. And yet you were in sympathy with the men?

A. Yes.

Q. You say, you could not see how you could be otherwise?

A. Yes.

Q. But you did not do anything to help them stay in there, you say?

A. No—well, I helped the families.

1560 Q. You helped their families?

A. Yes, sir.

Q. In other words, you helped take care of their families, while they were sitting in there?

A. Yes, sir.

Q. And you let them know that, did you not, the men who were in the buildings, at that time, what you were doing?

A. I suppose they did know, yes.

Q. Well, you saw to it that they got word of what you were doing, did you not?

A. Oh, no, I didn't see to it that they got word—no, sir.

Q. You did not say anything about your charitable enterprise then?

A. No.

Q. Did you conceal it?

A. What?

Q. Did you conceal the fact that you were helping those families?

A. No, sir.

Q. But you did not talk to anybody about it?

A. Well, it didn't make no difference. I didn't really tell them that I was helping their families, but I told anybody else. It didn't make no difference who it was; I wasn't ashamed of it.

Q. Did any of the men who were out at the plant, 1561 who were sitting in there, talk to you about it at any time when you were down there, and thank you for your efforts?

A. Oh, yes.

Q. So they did know it, did they not?

A. Yes.

Q. And you did that in order to help those men stay in the plant, did you not?

A. Yes.

Q. And you knew at that time that there was an injunction ordering them out, did you not?

A. Well, no.

Q. You say that you did not know that there was an injunction against them, ordering them out of that plant?

A. Well—

Q. You did not know anything about that?

A. Why, I knew that there was an injunction after it was served on them, yes, sir; a few days after.

Q. You knew it the first day it was served on them, did you not?

A. No, I wasn't around there the first day.

Q. You read the papers, did you not?

A. Yes.

Q. Well, it was in the papers, was it not, that there had been an injunction issued?

A. I suppose so, yes.

1562 Q. All right. And you knew that the sheriff went out there and tried to get them out, did you not, on the morning of the 19th?

A. Yes.

Q. All right. And you knew he went out there with a writ, pursuant to an order, did you not?

A. Well—

Q. The newspaper account carried that story, did it not, in the newspapers?

A. Yes, sir.

Q. So that what you were doing, you knew was helping those men stay in there contrary to the order of the court; that is right, is it not?

A. Why, no, sir, not necessarily. I was looking after their families.

Q. But you did that, you stated, in order to help those men stay in there, so that it would be possible for them to stay in there?

A. No; I saw that their families were taken care of. That is all I did it for.

Q. Yes, and that was to help those fellows while they were in there, was it not?

A. That was helping their families.

Q. You told me just a moment ago that it was to help them, did you not?

1563 A. I told you what?

Q. You told me just a moment ago that it was to help the men stay in there, did you not?

A. Well, it was to take care of their families while they were in there. yes, sir.

Q. Answer my question, please, Mr. Witness. Let us not spar here.

A. All right, sir.

Q. Was it to help those men to stay in there?

A. No.

Q. It was not?

A. No, sir, it was to take care of their families.

Q. I see. You did not want to do anything to help those men stay in there, did you?

A. (No answer.)

Q. You felt that they ought to get out, did you not?

A. Oh, I don't say that, no.

Q. Well, I say, did you? You felt that they ought to go home, did you not?

A. No, sir, I wouldn't say that I felt that they ought to go home.

Q. You did not think they ought to go home, then?

A. No, sir—well, that was up to them, that was their business. If they wanted to stay in there or not, that was their business.

1564 Q. And leave it to others, to take of their families?

A. No—I took care of their families.

Q. And you thought that it was all right for them to leave it to others to take care of their families?

A. As long as they thought so, it was all right with me.

Q. You were willing to do that the rest of your life, were you?

A. Yes, sir.

Q. You were a good Samaritan, in other words?

A. You might call it that.

Q. What did you do to help take care of their families?

A. Oh, I done everything.

Q. Do you mean that in the absence of the husbands, you did everything in the way of their duties?

A. Oh, well, no, I didn't do the husband's duties, no.

Q. Well, tell us what you did.

A. I done what you might say was a Christian duty.

Q. What did you do?

A. Oh, I saw that they had groceries and coal.

Q. What do you mean when you say that you saw they had groceries and coal?

A. I bought them for them.

Q. You bought them.

A. Yes, sir.

Q. And how much money did you spend in buying
1565 groceries and coal?

A. I don't know.

Q. You do not remember that?

A. No.

Q. Well for what families did you buy groceries and coal?

A. How?

Q. For what families did you buy groceries and coal?

A. Right around 48 to 50.

Q. 48 to 50 families?

A. Yes.

Q. Where did you get the money for that?

A. Well, I didn't—all I had to do was to spend the money.
It was paid by other people. I didn't worry about that.

Q. I understand that all right.

A. Yes.

Q. But I am asking you where did you get the money
from?

Mr. Walsh: I object to that.

A. I didn't get the money—

Mr. Walsh: Just a moment. I object to that as immaterial,
and improper cross-examination.

Mr. Keele: I am showing that this man was aiding and
abetting, if the Examiner please.

Mr. Walsh: I think you have shown that. But where he
got the money from certainly is not material to any of the
issues involved in this case.

1566 Trial Examiner Dudley: The witness may answer.

Q. (By Mr. Keele) Where did you get the money
from?

A. I didn't get the money. I had all of the stuff that I
bought, charged, and other people paid for it; not me.

Q. You had it charged?

A. Yes, sir.

Q. And the stores here were willing to send out quantities
of food to 48 families, were they?

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A. Yes, sir.

Q. On your say-so?

A. Yes, sir.

Q. At what stores did you buy it?

A. How?

Q. At what stores did you buy it—that food?

A. At different grocery stores.

Q. I understand, but what ones?

A. The Co-ops.

Q. What Co-ops?

A. The two of them.

Q. Well, what are their names, and where are they?

1567 A. Well, one of them was the Finnish Co-op, and the other one was the Waukegan-North Chicago Co-op.

Q. Is there any place else you got supplies?

A. No, sir; I guess they was about the only two; just the two Co-op stores.

Q. You did not buy the coal there, did you?

A. No.

Q. You said a little while ago that you bought them coal.

A. Yes.

Q. Where did you get the coal?

A. I bought all of the coal at the Adams Coal Company.

Q. And in none of those instances did you pay any money for it.

A. No, sir.

Q. You simply charged it?

A. Yes, sir.

Q. To whom did you charge it?

A. I charged it to the C. I. O.

Q. To the C. I. O.?

A. Yes, sir.

Q. Did you get any groceries for yourself on that basis?

A. Yes, sir.

Q. C. I. O.?

A. Yes, sir.

Q. You just went in and charged it to the C. I. O.,
1568 when you got your groceries?

A. Yes, sir.

Q. And your coal?

A. Yes, sir.

Q. You never applied for reemployment, did you?

A. No, sir.

Q. And you had no intention of so doing, did you?

A. How is that?

Q. You had no intention of so doing?

A. No, sir.

Q. You didn't want to work for the Fansteel Company as long as the other men were not there, did you?

A. No.

Q. You did not want to have anything to do with it?

A. No.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: Paul Makovec.

This witness has not been sworn, if the examiner please.

PAUL MAKOVEC, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Paul Makovec?

The Witness: Yes, sir.

1569 Mr. Collins: Spell your last name for the reporter, please.

The Witness: M-a-k-o-v-e-c.

Mr. Collins: Have you been served with a subpoena by Mr. Walsh, to appear before the examiner here today?

The Witness: Yes, sir.

Mr. Collins: If the examiner please, I should like to claim the witness' privilege under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination?

Q. (By Mr. Walsh) What is your address?

A. 932 Prescott.

Q. You will have to talk up louder than that, so that we can all hear you.

A. 932 Prescott.

Q. Waukegan?

A. Yes, sir.

Q. How long were you employed by Fansteel?

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A. About 2 months.

Q. In what department?

A. The Wire department.

Trial Examiner Dudley: What department?

A. Wire department.

Q. (By Mr. Walsh) What did you do there?

A. De-plating.

1570 Q. How?

A. De-plating.

Q. A de-plater?

A. Yes, sir.

Q. When did you join the union?

A. That was in March.

Q. 1936?

A. 1937.

Q. March 1937?

A. Yes, sir.

Q. What time in March did you join the union?

A. I can't remember.

Mr. Walsh: If the examiner please, I would like permission to withdraw this witness for the moment.

Trial Examiner Dudley: Very well.

(Witness excused temporarily.)

Trial Examiner Dudley: The answer shows that he was not reinstated because of participation in the violence.

Mr. Walsh: I will check up, and try to put it in in a more orderly way. I might plead that I am mildly surprised. Let us have Otto Latz.

OTTO LATZ, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Otto Latz?

The Witness: Yes, sir.

1571 Mr. Collins: Spell your last name for the reporter.

The Witness: L-a-t-z.

Mr. Collins: Mr. Latz, were you served with a subpoena to appear before the examiner here this morning?

The Witness: Yes, sir.

Mr. Collins: I would like to claim the witness' privilege against self-incriminatory statements, under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted.

Direct Examination.

Q. (By Mr. Walsh) What is your address?

A. 1114 Park Avenue, North Chicago, Illinois.

Q. How long were you employed by Fansteel?

A. I think about 18 years.

Q. What was your job?

A. Chemical; Tantalum Department.

Q. When did you join the union?

A. I joined the union sometime in November, I think it was, but I am not sure exactly.

Q. When did you get your last pay from the Fansteel Company?

A. I think that was in March, but I am not exactly sure. I don't remember. I was sick for a couple of weeks.

Q. At the time you got your pay, did the company take up your pass?

A. No.

1572 Q. Did you talk to anybody about going back to work?

A. No, I didn't.

Q. Have you been offered reemployment at the company?

A. Well, Gene Presler was over to the house, but I wasn't home at that time; I was out, and I didn't see him.

Q. Did he leave any message for you?

A. No.

Q. You don't know what he was over there for, do you?

A. Yes, he wanted to see me.

Q. I see. What was your hourly rate of pay when you worked there?

A. 72½ cents.

Q. How many hours a week did you work?

A. 40.

Q. What was your weekly pay?

A. About \$28.50, or something like that.

Q. How much have you earned since February 26th, 1937?

A. February 1937?

Q. February 26th, 1937?

A. I haven't earned anything.

Q. Pardon me?

A. Nothing.

Q. Nothing?

A. Not anything.

Q. Just prior to the 17th of February 1937 you were
1573 on the night shift, were you not?

A. When?

Q. Were you on the night shift?

A. No.

Q. You were one of the men who stayed in the buildings,
were you not.

A. No, sir.

Q. Were you one of the defendants in the injunction pro-
ceedings—

A. No.

Q. —and one of the respondents in the contempt case?

A. No, sir.

Q. Did you go to the plant on February 17th, 1937?

A. How was that?

Q. I say, did you go to the plant during the time that the
trouble was going on down there?

A. The next morning?

Q. Yes.

A. Yes, I did.

Q. Well, did you work on February 17th?

A. That was the day of the strike?

Q. That was the day the strike broke out.

A. Yes, sir; I worked that day until half past five, I think.

Q. Pardon me?

1574 A. I worked until half past five.

Q. On that day?

A. On that day when the strike started; and then I walked
out and went home.

Q. Well, the strike broke out sometime around 2:30 that
day, did it not?

A. Yes.

Q. You kept on working, you say, until 5:30?

A. Yes, sir; I kept on working until 5:30, until I could
finish up the job that I was working on.

Q. And then you went out of the plant, is that right?

A. Yes, sir.

Q. Did you come back down there to the plant on the next
day?

A. Yes, sir; but on the outside.

Q. You were on the outside of the fence, were you?

A. Yes, sir.

Q. Did you take any part in the strike activities that were
going on?

A. No, sir.

Q. Did you work on the picket line?

A. No, sir.

Q. During the time you were employed there, did you receive any raises in pay?

A. Yes, sir; two.

Q. What were they?

1575 A. 5 cents per hour.

Q. Each?

A. Yes, sir.

Q. When did you get those?

A. I can't say.

Q. While you worked there, did your foreman ever criticize the way in which you did your work?

A. No, sir; he never did. The foreman always liked me.

Q. Did your foreman know that you belonged to the union?

A. Yes, he did.

Q. Are you an official of the union?

A. No, sir.

Q. Did you take any active part in the work of the union?

A. No, sir.

Q. At the time that the work stopped, on the 17th of February 1937, the management did not tell the men to quit work, did it?

A. You mean, the management of the plant?

Q. Yes. The bosses never told the men to stop work, did they?

A. Not that I know of.

Q. What job were you doing, that you say you finished up after the trouble occurred?

A. I was working on tantalum oxide.

Q. You had some work in progress, did you?

A. Yes, sir; I had to finish filtering.

Q. If you had not stayed to finish the filtering, it
1576 would have spoiled, is that true?

A. Yes, it would have been spoiled, and it was worth a lot of money, so I stayed until half past five—or maybe it was half past six.

Q. So after the men had ceased their work at 2:30, you went right on with your job, did you?

A. Yes, sir.

Q. And finished the run or whatever you had?

A. Yes, sir.

Q. And I understand you to say if you had not finished it, the batch would have been spoiled?

A. Yes, sir. Money would have been lost, and the batch would have been spoiled, too. There wouldn't have been nothing left.

Q. The batch was valuable, was it?

A. Well, the finished product; yes, sir. They tell me it costs \$12.50 per pound.

Q. How much?

A. \$12.50 per pound.

Q. The finished product?

A. Yes, sir. That is what somebody told me.

Q. That is what they told you?

A. Yes, sir.

Q. And how many pounds were there in the finished product—or would there have been in the finished product of this batch that you were working on at this particular time?

1577 A. Well, I should judge around about 35 or 40 pounds, between 35 and 40 pounds, or something like that.

Q. Did you ever apply for reinstatement?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Latz, you know that the company made an effort to get you to come back to work, do you not?

A. (No answer.)

Q. As a matter of fact, you know that is why Presler came over there that day, do you not?

A. I wasn't home at that time.

Q. I understand, but I say, you know that is what he came there for, do you not?

A. Oh, sure, he came after me; but, as I say, I wasn't home.

Q. He came there to see you and get you to go back to work, did he not?

A. But he didn't come back after that.

Q. Well, you knew that the company wanted you to come back to work; you knew that, did you not?

A. I suppose they did.

Q. You did not go down there, to try to go back to work, did you?

A. No, sir; I didn't.

Q. The reason for that was because your brothers
1578 were in the strike and had very strong opinions with
reference to the union; that is right, is it not, Mr. Latz?

A. (No answer.)

Q. Is that not the real reason why you did not go down
there?

A. Well, I think I will stick with the bunch.

Q. You think you will stick with the bunch?

A. Yes, sir.

Q. But you knew you could go back—and I am not criticiz-
ing you. I just say, you knew you could have gotten reemploy-
ment; you were, in your own mind, sure that you could have
gotten reemployment, were you not?

A. Yes, I think I could.

Mr. Keele: All right.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused; thank you.

(Witness excused.)

Mr. Walsh: Bartol Puntarich. Will you swear the witness,
if the examiner please.

BARTOL PUNTARICH, called as a witness for the National
Labor Relations Board, being first duly sworn, testified as
follows:

Mr. Collins: Your name is Bartol Puntarich?

The Witness: Yes, sir.

Mr. Collins: How do you spell your first name?

The Witness: B-a-r-t-o-l.

1579 Mr. Collins: And spell your last name also for the
reporter, please.

The Witness: P-u-n-t-a-r-i-c-h.

Mr. Collins: Were you served with a subpoena to appear
before the examiner here this morning?

The Witness: Yes, sir.

Mr. Collins: If the examiner please, I would like to claim
the witness' privilege against self-incrimination, under sec-
tion 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Mr. Walsh: If the examiner please, may we have an
amendment of the complaint, to show that this man's name
was erroneously designated as "Bartol Prutovey."

The Witness: That is the wrong spelling.

Mr. Walsh: The wrong spelling.

The Witness: Yes.

Mr. Walsh: Your name is spelled P-u-n-t-a-r-i-c-h?

The Witness: That is correct.

Mr. Walsh: That is the correct way to spell it?

The Witness: Yes, sir.

Mr. Walsh: All right.

Trial Examiner Dudley: The amendment is granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. My old address was 1303 Park Avenue. My new
1580 address is 1468 Woodward, Waukegan.

Q. How long were you employed by Fansteel?

A. Since May 1922.

Q. What was your job?

A. My last job or my first job?

Q. Your first job.

A. Hydraulic press.

Q. In what department is that?

A. Department 4, chemical.

Q. The Chemical Department?

A. Yes.

Q. When did you join the union?

A. The last part of January 1937.

Q. When did you get your last pay from the company?

A. The 5th of March.

Q. Did the company take up your pass at that time?

A. No, sir; they didn't ask me for it.

Q. When you got your last pay, did you talk to anybody
about going back to work?

A. No.

Q. Did anybody offer to take you back to work?

A. No.

Q. How much did you get per hour when you worked
there?

A. 60 cents per hour.

Q. How many hours per week did you work?

1581 A. 40.

Q. How much was your weekly pay?

A. Oh, about \$24.

Q. How much money have you earned since February 26th 1937?

A. About \$15.27.

Q. What did you do to earn that money?

A. I worked on the North Shore track.

Q. When you are working at Fansteel, do you normally do any work on the outside for pay?

A. No.

Q. Are you one of the men who were inside of the plant between February 17th and February 26th, 1937?

A. No; I was outside.

Q. Were you on the night shift?

A. No, on the day shift.

Q. Day shift?

A. Yes, sir.

Q. How did you happen to be on the outside?

A. Well, it happened so, that my wife was sick that week, on Monday night before the 17th, and I told them my wife was sick; and then when the strike broke out, when the trouble broke out, I just say I want to go home, that I am not feeling very well; and that is the way I skipped off.

Q. The committee told you to go home?

A. The committee told me to go home; yes, sir.

1582 Q. What time did you go home that afternoon?

A. About 10 minutes to 3, or a quarter to 3.

Q. And then did you take any active part in the strike, after that?

A. No.

Q. What did you do during the time when the men were in the buildings?

A. Oh, sometimes I go down there and see them, and tell the boys "hello" and so forth.

Q. During the time that you worked there, did you get any raises in pay from the company?

A. Yes, sir. About a few weeks before the strike broke out, there was a general raise, and we got a nickel.

Q. Did you ever have your foreman criticize you for the way you were doing your work, while you were there?

A. Oh, sometimes; yes, if I make some mistakes.

Q. I see. Did your foreman know that you belonged to the union?

A. Yes.

Q. Did you talk over with him the fact that you belonged to the union?

A. No, sir. Just Luther Henry one day, he tells me, "Bortol, I hear the news that you joined the union." Now, how he knew it, I don't know, but I didn't tell him.

Q. When did Luther Henry tell you that?

1583 A. Oh, about a week before.

Q. A week before the strike took place?

A. Yes, sir.

Q. Has the company offered to take you back since you have been out?

A. Nobody called me back.

Q. You do not have any steady job now, do you?

A. No, I ain't got any.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You took a bed down there, did you not, Mr. Puntarich?

A. How?

Q. You took a bed down to the plant, did you not?

A. No, I didn't take no bed; only a blanket.

Q. Only blankets?

A. Yes, sir.

Q. And you took those down for Nick Bankowisch, did you not?

A. Yes, sir.

Q. And he was sitting in there, in the strike?

A. He was sitting in there, in the strike, sure.

Q. Did you take him anything else?

A. Oh, sometimes I bring him some food.

Q. Sometimes you brought him some food?

A. Yes, sir; sure, so that he would have something to eat.

1584 Q. What else did you bring; anything else?

A. A package of cigarettes.

Q. Cigarettes?

A. Or, a carton of cigarettes, I mean.

Q. What else?

A. That's all.

Q. Cigarettes, food, and blankets, is that right?

A. That's all.

Q. Any clothing?

A. No. I don't know what his wife wrapped up in a paper and sent to him. I don't know what was in there. I don't examine it.

Q. You knew that the court had ordered those men to get out of there at that time, did you not?

A. I didn't know anything before midnight that night, when the gas attack was, the last time.

Q. The last time?

A. Yes.

Q. You knew that the sheriff had been down there once before, did you not?

A. Yes, I know, but I was home then, and I just woke up. A friend of mine come and told me that it happened; he heard it over the radio.

Q. Well, you knew that the sheriff had been down there before, on the morning of the 19th, did you not, the 1585 second day after the strike started?

A. Yes.

Q. And he tried to get the men out?

A. Yes.

Q. And you knew that?

A. Yes.

Q. And you knew the court had entered an order directing them to get out of there, did you not?

A. Yes.

Q. Or, you heard about that.

A. I heard about it.

Q. And you took stuff down there in the form of blankets, or bedding, and food, and cigarettes, in order to help Nick Bankowisch, and anybody else who might get them, to stay in there, did you not?

A. Why, sure, so they can win the strike.

Q. Now, what was that conversation that you had with Luther Henry, did you say, about the union?

A. It was one time in the morning.

Q. What was it that he said, and what did you say?

A. Well, it was one time in the morning, early in the morning, as soon as they come in to work.

Q. Well, what was said?

A. Well, he only asked me, "I heard you joined the union", and I say, "Yes."

1586 Q. And what did he say?

A. He said, "You think that's right, do you?" I says, "I guess so", and that's all it was.

Q. That is all he said?

A. That's all there was.

Q. He said, "I heard you joined the union?"

A. Yes.

Q. And you said, "Yes."

A. Yes.

Q. And he said, "Do you think that is right?"

A. Yes.

Q. And that is all there was to it?

A. That's all he said. I just says, "I guess so, I don't know."

Q. Did any of the foremen ever talk with you about joining the union?

A. No.

Q. You told the trial examiner a moment ago, I believe, that, as far as you knew, you had never discussed that matter with your foreman; is that not right? You said you never talked with the foreman about joining the union.

A. Well, that was the first question he asked me, if I ever talked to him, and I said, yes, that Luther knew that.

Q. And they did not threaten to fire you—

A. No.

1587 Q. —to discharge you, did they?

A. No, sir. I don't know what they was thinking about, but they didn't say nothing.

Q. They gave you a raise?

A. Well, the raise was before.

Q. The raise was before that?

A. Sure.

Q. You did not make any application to the company for reemployment, did you?

A. No.

Q. If they had asked you to come back, you would not have gone back, would you?

A. Well, I would have gone back with the rest of the gang, sure.

Q. But if they just asked you to go back—

A. They don't ask me.

Q. I say, if they did ask you to go back, you would not go, would you?

A. No.

Q. Alone, that is.

A. No, sir. I don't want to have any bad feelings between the boys.

Q. And if part of them were asked to go back, you would not go back to work, would you?

A. What do you mean?

1588 Q. If part of the boys who were on strike were asked to go back, you would not go back?

A. Oh, if most of them go back, maybe I go back, too.

Q. There are 35 or 40 of them back there now, but you are not willing to go back, are you?

A. They aren't over half.

Q. How?

A. That isn't over half.

Q. Not over half?

A. No.

Q. As a matter of fact, you want them all back, before you go, back, do you not?

A. Sure. That is the way I feel about it.

Q. Regardless of what connection they may have had with the strike, and regardless of what they did in the strike, you do not want to go back until all of them are back; that is right, is it not?

A. If they all go back, I go; but not to the last one. That is, maybe some of them don't want to go. I don't know.

Q. But you want the opportunity given to all of them to go back, do you not?

A. Yes.

Q. All right.

A. So everybody can go back.

Mr. Keele: That is all.

1589 Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: If the examiner please, may I suggest a short recess at this point?

Trial Examiner Dudley: I will declare a short recess at this time.

(A short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order.

Mr. Walsh: Recall Paul Makovec.

Trial Examiner Dudley: This witness has been sworn, has he not?

Mr. Walsh: Yes, Your Honor; he was the witness I had on and withdrew a few moments ago.

PAUL MAKOVEC, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Makovec, since you were on the stand before you have looked up your application for membership in the union, and found what date you joined, have you not?

A. Yes, sir.

Q. What date?

A. February 21st.

Q. All right. Now, were you one of the men who occupied the plant of the Fansteel Company?

A. No, sir.

Q. When were you employed there?

A. November 27th.

Q. 1936?

A. Yes, sir.

Q. Did I ask you the job you held?

A. Yes, sir.

Q. When did you get your last pay from the company?

A. March 5th.

Q. Did the company take up your pass at that time?

A. No, sir.

Q. Did you talk to anybody about going back to work there?

A. No, sir.

Q. Did they offer you reemployment?

A. No, sir.

Q. What was your hourly rate of pay?

A. 49 cents.

Q. How many hours per week did you work?

A. 40.

Q. What did your weekly pay amount to?

A. \$18.

Q. Now, how much money have you earned since February 26th, 1937?

A. A little over \$100.

1591 Q. A little over \$100?

A. Yes, sir.

Q. And what did you do to earn that money?

A. (No answer.)

Q. What did you work at?

A. De-plater.

Mr. Walsh: I cannot hear you.

Trial Examiner Dudley: Mr. Walsh, be sure the witness has those dates right.

Mr. Walsh: I will find out.

Trial Examiner Dudley: I think he means he received \$100 from the company.

Mr. Walsh: Let us see.

Q. (By Mr. Walsh.) Since you left the Fansteel Company, did you say that you have earned a little over \$100?

A. No, that was not since I left Fansteel. That was while I was with the company.

Q. While you were with the Fansteel Company, you earned \$100?

A. Yes, sir.

Q. Have you worked at anything since you left the Fansteel Company?

A. On the golf course.

Q. What were you doing; caddying?

A. Yes.

1592 Q. How much money did you earn?

A. About \$30.

Q. Did you earn any money since the strike was over, down there?

A. No, sir.

Q. So since the boys came out of the plant, you have only earned \$30, is that correct?

A. Yes, sir.

Q. Now, when the trouble broke out down there, where were you?

A. I was down at Fansteel.

Q. Did you stay in the buildings?

A. No.

Q. Did you stay in the buildings there at all after the trouble started?

A. No, sir.

Q. Were you in the buildings when the trouble started?

A. No, sir.

Q. Where were you?

A. Outside the fence.

Q. Were you on the night shift?

A. Yes, sir.

Q. What time did you report for work on the 17th of February?

A. I was just walking around--

Q. I cannot hear you.

1593 Trial Examiner Dudley: Speak a little louder, please.

Mr. Walsh: Talk up good and loud so John Kondrath can hear you back there.

A. I was going down Tenth Street that day, going to work, and I got as far as Tenth Street and McAllister, and I met a man going home, and he said, "There is no use going down there, because there is a strike going on. Let's go home."

Q. Did you go home?

A. Yes, sir.

Q. When did you next come down to the plant?

A. I don't remember.

Q. Did you go down there the next day?

A. Yes.

Q. Did you help get any food, bedding, clothing, or cigarettes in to the men?

A. Yes, sir; I got some cigarettes in, and some flashlight cells.

Q. While the boys were in the buildings, did you hang around the plant from time to time?

A. Oh, I went down there to see them for about 2 hours, for maybe three days.

Q. Three days?

A. Yes, sir.

Q. After the boys got out of the plant, did you go on the picket line?

1594 A. Yes, sir.

Q. How many days were you on the picket line?

A. Four days.

Q. While you were working at Fansteel, did you have any raises while you were there?

A. Yes, sir.

Q. How many?

A. Two.

Q. When did you get them?

A. Every two weeks.

Q. Every two weeks?

A. Well, now, not every two weeks; that is, I mean--

Q. You mean that you got paid every two weeks?

A. Yes, sir.

Q. Well, did you receive a raise in November of a nickel?

A. 4 cents.

Q. 4 cents?

A. Yes, sir.

Q. And then did you get another raise while you were there?

A. A nickel.

Q. Another raise of a nickel?

A. Yes, sir.

Q. So you had two raises; one raise of 4 cents—

A. Yes.

Q. —and one of 5 cents?

1595 A. Yes, sir.

Q. Did anybody ever criticize you while you were working there, because of the way in which you did your work?

A. No, sir.

Q. Who was your foreman?

A. Schardt.

Q. Schardt?

A. Yes, sir.

Q. Now, you did not sign up in the union until after the strike was going on, did you?

A. Yes, sir.

Q. How?

A. No, sir.

Q. The strike was on when you signed up with the union; that is right, is it not?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You say that you joined the union during the time the strike was going on?

A. Yes, sir.

Q. As a matter of fact, you joined the union on the 21st of February, did you not?

A. Yes, sir.

Q. The strike had been in progress 4 or 5 days?

1596 A. Yes.

Q. It started on the 17th; that is correct, is it not?

A. Yes.

Q. And you had not reported back for work between the 17th and the 21st of February, the day you joined the union, had you?

A. That is right.

Q. Did you ever ask for reinstatement?

A. No.

Q. Nor make application for reemployment?

A. No.

Q. And you did not want to go back, as long as the other boys were out; that is right, is it not?

A. That is right.

Q. Some of the boys have gone back to work, who were in that strike, have they not?

A. Yes.

Q. But you still are unwilling to go back to work as conditions stand now, are you not?

A. No.

Q. What?

A. No, I am not unwilling to go back to work.

Q. Do you mean that you now stand ready to go back to work?

A. I will stay out until all of the rest come in.

Q. You are going to stay out until all of the rest come in?

1597 A. Yes, sir.

Q. Regardless of what the conditions were that prompted their dismissal?

A. Right.

Q. That is right, is it not?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Mr. Keele: Pardon me. I did not get what he said he was making.

Trial Examiner Dudley: 49 cents an hour.

Redirect Examination.

Q. (By Mr. Walsh. What were you making?

A. 49 cents.

Q. And your weekly pay was what?

A. \$18.

Mr. Keele: All right. That is all.

Trial Examiner Dudley: You are excused. Thank you. (Witness excused.)

Mr. Walsh: Mike Zelenick.

Will you swear this witness, if the examiner please.

MIKE ZELENICK, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

(By Mr. Walsh.) I gave you a subpoena, did I not?

1598 A. Yes.

Mr. Walsh: If the examiner please, my co-counsel is not present just at the moment, but if the other side has no objection, I will claim the witness' privilege for him.

Mr. Keele: That is all right.

Trial Examiner Dudley: The witness is granted the privilege.

Q. (By Mr. Walsh.) Your name is Mike Zelenick?

A. Yes, sir.

Q. Where do you live, Mike?

A. 1022 Woodward, North Chicago.

Q. How long were you employed by Fansteel?

A. Between 16 and 17.

Q. Years?

A. Yes.

Q. What was your job?

A. In the chemical; washing tantalum powder.

Q. What?

A. Washing tantalum powder.

Q. Washing tantalum powder?

A. Yes, sir.

Q. When did you join the union?

A. August 1936.

Q. When did you draw your last pay from the company?

A. March 5th.

1599 Q. Did the company take up your pass at that time?

A. Well, they asked me for it, but I had lost it before.

Q. Did you talk to anybody about going back to work at that time?

A. No.

Q. Did anybody offer to take you back?

A. No.

Q. How much was your hourly rate of pay?

A. 60 cents.

Q. And you worked 40 hours per week, did you?

A. Yes, sir.

Q. How much did you earn per week?

A. 24.

Q. \$24?

A. Yes, sir.

Q. How much money have you earned since February 26th, 1937?

A. Nothing.

Mr. Keele: How much?

Mr. Walsh: Nothing.

Q. (By Mr. Walsh.) You were not one of the men who stayed inside of the plant, were you?

A. No. I was in there, but I got out after.

Q. How is that?

A. I say, I was in there working that day, but I came out, after.

1600 Q. When the trouble broke out, you left the building; is that right?

A. Well, I didn't feel so good; I was sick then, a little bit. I didn't feel good, so I went out.

Q. What time did you go out, Mike?

A. 3:30.

Q. 6:30?

A. 3:30.

Q. 3:30.

A. Yes.

Q. Now, during the time while the strike was in progress, did you do anything to help the men?

A. Yes.

Q. What did you do to help them?

A. Take down some cigarettes to them.

Q. Did you bring them anything else?

A. I don't bring them nothing else, but I see other fellows bringing different things.

Mr. Keele: What did he say?

Mr. Walsh: He said he didn't bring anything else, but he saw other fellows bring different things.

The Witness: They raised money to pay for them, too.

Q. (By Mr. Walsh.) Did you go on the picket line after the boys came out of the buildings?

A. Yes, sir; but not every day. I was kind of weak
1601 for a while. I caught cold, and I stayed a week after that at home in bed. Then I go on the picket lines for a while.

Q. Now, during the time you were employed there, did you receive some raises from time to time?

1602 A. Yes, I got raises there, first, I got 4 cents and then I got another raise.

Q. Did your foreman know that you belonged to this union?

A. Well, I don't know. I didn't tell him about it. If nobody don't ask me, I don't tell nobody.

Q. Did your foreman ever criticise you about the way in which you were doing your work?

A. How is that?

Q. Did your foreman ever bawl you out because of the way in which you were doing your work?

A. No, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) You sat down with the boys, did you not? You went in at the time they took over the buildings, did you not?

A. How was that again?

Q. You were in the buildings at the time they took over the buildings, were you not?

A. No, sir. I went home.

Mr. Walsh: He testified that he went home at 3:30.

Q. (By Mr. Keele.) And the only thing that you did in the way of helping the men, you say, was to take down some cigarettes to them; is that correct?

A. Yes, sir.

1603 Q. You did not take anything else down there?

A. Well, I bring them—once, the next day, I bring them a little lunch.

Q. A little lunch?

A. Yes, sir, for my son.

Q. Your son was in there, was he not?

A. Yes, sir. I don't know who took it after I put it in; I don't know whether my son got it or not.

Q. You do not know whether your son got it or not.

A. No.

Q. But you sent the lunch in?

A. I don't know who ate it.

Q. You do not know who ate it after it got in.

A. No, sir.

Q. Did you take anything else down to him?

A. Yes.

Q. Any bedding or any clothes?

A. Yes—well, no, I didn't take it myself, but I gave it to somebody to take down to him,—one blanket.

Q. You gave that to somebody else to take down?

A. Yes.

Q. A blanket?

A. Yes.

Q. Did you send him anything else?

A. Not myself; I didn't send nothing else.

1604 Q. You have never made application for reemployment, have you?

A. No.

Q. And you do not want to go back to work until all of the men go back; that is right, is it not?

A. Why, sure.

Q. Unless they all go back?

A. Well, if some don't want to go, I don't care, if they don't all want to go.

Q. But everybody who wants to go back, you want them to have a chance to go back, do you not?

A. Then, I will go back.

Q. Then, you are willing to go back?

A. Yes.

Q. But not until they all have a chance?

A. No.

Q. That is regardless of whether they were discharged for cause; you want them all back there before you go, those who want to go back; is that correct?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused; thank you.

(Witness excused.)

Mr. Walsh: With the exception of two witnesses, if
1605 the Examiner please, that will conclude the testimony on group 2. One of them is Joe Hoff now reported to be ill, in the hospital.

Mr. Keele: Do you want to stipulate as Hensley?

Mr. Walsh: Have you the Hensley papers?

Mr. Block: Yes.

Mr. Walsh: All right. We can clean that up. As far as Hoff is concerned, I think sometime during the course of the proceeding we can get him in.

Trial Examiner Dudley: What group is this in?

Mr. Walsh: This is in group 1.

Mr. Reporter, let the record show that it is hereby stipulated and agreed by and between counsel for the Fansteel Metallurgical Corporation, and counsel for the National Labor Relations Board, that Fred Hensley, if called to the stand as a witness, would testify: that he was employed for 19 years by Fansteel Metallurgical Corporation as a machinist; that his weekly rate of pay was \$45 per week; that he was one of the men who occupied the buildings of the company between February 17th and February the 26th, 1937; that he was a respondent in the contempt proceeding, and a defendant in the injunction proceeding; that he occupied one of the buildings of the company from February 17th until February 23rd, at which time he became ill and was removed from the building in an ambulance furnished by the company; that he was taken to Memorial Hospital, where he received treatment from a company doctor, at the expense of the company; and that he has never made application for reemployment.

Trial Examiner Dudley: Is it so stipulated?

Mr. Block: Yes. And let the record show that it is further stipulated and agreed by and between respective counsel that on the 13th day of April, 1937, said Fred Hensley, pursuant to a voluntary petition filed by him in the County Court of Lake County, Illinois, was declared insane, suffering under mental derangement, and unsafe to be at large, which order included the finding that the welfare of said Hensley and others required his restraint and commitment to some hospital or asylum for the insane; that thereupon it was ordered that said Hensley be committed to the Elgin State Hospital, at Elgin, Illinois, as a voluntary patient, pursuant to the laws of the state of Illinois; and that he was so removed to the Elgin State Hospital; and that there were no further orders entered in that case, which is numbered 13260 in the County Court of Lake County.

And further, it is rumored that he is not now confined in the Elgin State Hospital, but there has been no modification or change of that order of the County Court, and as it now stands, he is committed to the Elgin State Hospital.

Mr. Keele: He is not now confined.

Mr. Block: No.

1607 Mr. Keele: But he has not been discharged.

Mr. Block: I say, there has been no further order

entered since the original order of April 13, 1937, which order has not been vacated, set aside, or in any way modified.

Is that agreed upon?

Mr. Walsh: Yes, and it will be further stipulated that if an examination of the books of the company show that the weekly wage of said Hensley was different than the amount of \$45, this stipulation may be corrected to reflect the proper amount.

Mr. Keele: All right.

Mr. Walsh: Joe Petraitis.

Trial Examiner Dudley: Is this group 1?

Mr. Walsh: Yes. This witness has not been sworn, if the Examiner please.

JOE PETRAITIS, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Joe Petraitis?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name, please, for the reporter.

The Witness: What?

Mr. Collins: Tell the reporter how you spell your last name.

1608 The Witness: My last name?

Mr. Collins: Yes; you spell your last name, P-e-t-r-a-i-t-i-s?

The Witness: Yes.

Mr. Collins: You were served with a subpoena, to appear here this morning before the Examiner, were you?

The Witness: Yes.

Mr. Collins: If the Examiner please, I would like to claim the privilege of the witness under section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 518 Georgia Avenue.

Q. Waukegan?

A. Yes, sir.

Q. How long have you been employed by Fansteel?

A. About 13 or 14 years.

Q. What is your job?

A. Well, I was working in the tool room making swaging dies.

Q. Did the plant operate between February 17th and February 26th, 1937?

A. What do you mean?

Q. I mean, was there any work going on at the plant between February 17th to February 26th?

1609 A. No.

Q. When did you draw your last pay from the company?

A. When did I draw it?

Q. Yes.

A. About in March.

Q. What day in March?

A. I don't know the date.

Q. The 5th of March?

A. About that.

Q. Did the company take up your pass at that time?

A. Yes.

Q. Did you talk to anybody about coming back to work?

A. No.

Q. Did anybody offer to take you back to work?

A. Why, I asked Anselm to take me back to work, but he said "No."

Q. When did you talk to Mr. Anselm about that?

A. Oh, about in April sometime, I don't know exactly or the last of March.

Q. How much did you draw per hour?

A. 77 cents.

Q. And you worked 40 hours a week?

A. Yes, sir.

Q. What did your weekly pay amount to?

A. Oh, about \$30.80 or \$30.75, or something like that.

1610 Q. How much money have you earned since February the 26th, 1937?

A. How much money I earned?

Q. Yes.

A. I don't earn anything.

Q. Are you one of the men who was occupying the buildings of the company?

A. Yes, sir.

Q. You stayed there from February the 17th to February the 26th?

A. Yes, sir.

Q. Are you one of the respondents in the contempt case—

A. Yes.

Q. —and one of the defendants in the injunction case?

A. Yes, sir.

Q. When the work stopped there on the 17th of February, the management did not tell the boys to quit work, did they?

A. No.

Q. The work stopped because the boys took over the buildings, is that right?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) When you talked to Mr. Anselm, he told you that they were having the swaging dies made outside, did he not?

1611 A. What do you mean?

Q. You said you talked to Mr. Anselm, and asked him for your job back. That is correct, is it not?

A. Yes, sir.

Q. And Mr. Anselm told you at that time that the work which you had been doing, they were now having done outside the factory, did he not?

A. Yes, sir.

Q. In other words, that your job had been abolished, and there was no longer a job of that kind in the plant. That is correct, is it not?

A. I never said that.

Q. No, that is what he said, is it not?

A. No, he didn't say that. He just said that my job was out, that is all.

Q. And he told you that the work that you had been doing they now were having done outside, by contract, did he not?

A. I don't remember that.

Q. Did he not explain to you at that time that the job, the work that you did in there, was no longer done in that department?

A. He say they don't do that in the department no more, that's all.

Q. That they did not do that in the department—they did not do that work in that department any more?

1612 A. Yes, that's all.

Q. You were in the buildings, as I understand it, from the time the men went in on the 17th—

A. Yes.

Q. —until the 26th?

A. Yes, sir.

Q. The full time they were in the buildings?

A. Yes, sir.

Q. Which building were you in there?

A. What?

Q. Which building were you in?

A. 3.

Q. No. 3?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.

Mr. Keele: What did he say he made?

Mr. Walsh: He said he made nothing.

Mr. Keele: No, I mean, with the company?

Mr. Walsh: He said he made 77 cents an hour, worked 40 hours per week, and his weekly pay was about \$30.75; and that he had earned nothing since February 26th, 1937.

Q. (By Trial Examiner Dudley.) Mr. Petraitis, when did you join the union?

1613 A. July.

Q. 1936?

A. Yes, sir.

Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Walsh: Mr. Ohlson. This witness has not been sworn, if the Examiner please.

THEODORE OHLSON, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Theodore Ohlson?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: O-h-l-s-o-n.

Mr. Collins: Have you been served with a subpoena to appear before the Examiner here this morning?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim the privilege of the witness under section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 637 North County Street.

1614 Q. You will have to talk up loud, Mr. Ohlson, so that everybody can hear you. How long were you employed by Fansteel?

A. Oh, I should say about 11 or 12 years.

Q. What was your job?

A. Machinist.

Q. Did you work—

A. (Continuing) That is, the last job. The first job, for about the first four or five years, I was in the tool crib, and then the last 7 or 8 years about, I was in the machine shop.

Q. When did you draw your last pay from the company?

A. Well, I drew one around in March sometime.

Q. Did the company take up your pass at that time?

A. Yes, sir.

Q. When did you join the union?

A. Around August.

Q. 1936?

A. Yes.

Q. Did you talk to anybody about going back to work when you got your last pay?

A. No officials.

Q. Well, have you talked to anybody since that time about going back to work?

A. Not about going back, no.

1615 Q. What was your hourly rate of pay?

A. 72 cents per hour.

Q. And you worked 40 hours per week, did you?

A. Yes, sir.

Q. What did your weekly pay amount to?

A. Well, now, let me see. \$27.80, I think is what it would amount to.

Q. How much money have you earned since the 26th of February, 1937?

A. Well, so far I haven't earned anything.

Q. Were you one of the men who occupied the buildings of the company between February the 17th and February the 26th, 1937?

A. Yes, sir.

Q. You were one of the defendants in the injunction case, were you?

A. Yes.

Q. And one of the respondents in the contempt case; is that right?

A. Yes, sir.

Q. When the trouble broke out on the 17th of February, the management did not ask the men to stop work, did they?

A. No; I never heard that.

Q. The stoppage of work was caused by the men taking over the buildings of the company; is that right?

1616 A. Yes, sir.

Q. You have never since the trouble was over been offered reemployment by the company; is that correct?

A. No, sir, not by the company.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) And you have never made application for reemployment, have you, Mr. Ohlson?

A. No, sir.

Q. You would not go back to work unless all of the men went back, would you?

A. Well, not as far as that is concerned, but if the strike is settled, one way or the other, that is all I want, to see it settled.

Q. When you say that you want to see the strike settled, do you mean by that, that you want to see the men go back to the plant and go to work?

A. Yes, sir.

Q. And you do not want to go back unless that takes place, do you?

A. No, sir.

Q. That is correct, is it not?

A. Right.

Q. Now, Mr. Ohlson, sometime after the 26th of February, you were arrested, were you not, at 2:00 o'clock in the morning, or 3:00 o'clock in the morning, down on the premises of Mr. Aitchison?

A. No, sir.

Q. (Continuing.) By guards posted there?

A. No, sir, not on his premises.

Q. Well, it is a dead-end street there, and you were arrested in a car there at 3:00 o'clock in the morning, were you not?

A. I was arrested on that street, yes.

Q. And you—

Mr. Walsh: Just a moment. We object to any inquiry along this line, if the Examiner please, as not being material to any issue that is being tried in this proceeding.

Q. (By Mr. Keele.) And you told the police that you were waiting for a street car, did you not?

Mr. Walsh: Just a moment.

A. What is that?

Q. (By Mr. Keele.) You told the police that the reason that you were down there was that you were waiting for a street car, did you not? Is that not right?

A. I did not.

Q. How?

A. I did not.

Q. Did not the woman who was with you, tell them that? No, sir.

1618 Q. And you told me, and you told the police, that you were on your way from—

A. I was on my way—

Q. —North Chicago—

A. I was—

Q. —to Waukegan, by way of Evanston; is that right?

A. I was on my way home from Evanston.

Q. And you had gone from North Chicago—

A. To Evanston?

Q. —to Evanston?

A. Yes.

Q. And at 3:00 o'clock in the morning, you were out there, but you did not have any reason for going to Evanston, except to take a drive?

A. Except to take a ride, yes.

Q. And you came down on that street, which is a good mile

from the highway, and is a dead-end street, and you just happened to be in front of Mr. Aitchison's house; is that right?

A. Well, when you get lost, you know, you are liable to wind up any place.

Q. Yes, but you did wind up in front of Mr. Aitchison's house, did you not?

A. I wouldn't say that, no. I was on the street—

Q. Well—

1619 A. —and I was stopped by the police, and I didn't know.

Q. As a matter of fact, you stopped and were turning around in that dead-end street, were you not?

A. No, sir.

Q. You could not go any further?

A. No, sir, not when I was stopped.

Q. Well, that was a dead-end street, was it not?

A. I don't know.

Q. Let us have the facts.

A. I don't know, I hadn't even gotten down to the end of the street.

Q. You know that street only goes about 50 feet further there, do you not?

A. I don't know. I never got down there.

Q. And you did not know that was a dead-end street?

A. No.

Q. You never had been on that street before?

A. No.

Q. In order to reach that street, you have got to make 15 or 20 turns from the highway, have you not?

A. I don't know how to get down there now.

Q. How did you get down there at that time?

A. You know as much about it as I do.

Q. I was not with you that night, was I?

A. No, sir.

1620 Q. All right. Well, then, how did you get down there?

A. I was just—

Q. You were the one who was down there?

A. I was just going around in circles, I guess.

Q. And you just happened to land in front of Mr. Aitchison's house at 3.00 o'clock in the morning?

A. It wasn't 3:00 o'clock.

Q. What time was it?

A. I don't know.

Q. 4:00 o'clock?

A. No, no.

Q. All right; 2:00 o'clock.

A. Well—

Q. Daylight Saving Time.

A. (No answer.)

Q. How?

A. 2:00 o'clock Daylight Saving Time?

Q. You were in the strike in the buildings?

A. Yes.

Q. In which building, 3 or 5?

A. 5.

Q. From the time it started on the 17th—

A. Yes.

Q. —until the morning of the 26th?

A. Yes, sir.

1621 Q. You went in when the other men went in?

A. Yes, sir.

Q. And you came out when they came out?

A. Right.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: You are excused; thank you.
(Witness excused.)

Mr. Walsh: Those are all of the witnesses I have here, in this particular group right now, if the Examiner please.

May I suggest that we recess for lunch.

Trial Examiner Dudley: Are there any left in the group?

Mr. Walsh: One or two: there is one man whom I think we can get in tomorrow, or the next day, and one who has not shown up, but who may come in before we conclude the hearing, and we can put him on at that time.

Trial Examiner Dudley: You are ready to start with group 3, then?

Mr. Walsh: Yes. There are two in group 2 who have not shown up, but I will start the girls' cases this afternoon, group 3.

Trial Examiner Dudley: The hearing is now recessed, to reconvene at 1:00 o'clock this afternoon.

(Whereupon, at 12:00 noon a recess was taken until 1:00 o'clock p. m.)

1622

After Recess.

(The hearing was resumed at 1:00 o'clock p. m. pursuant to recess.)

Trial Examiner Dudley: The hearing will come to order.

Mr. Walsh: Marguerite Seifert. Will you swear the witness, Mr. Examiner, please.

MARGUERITE SEIFERT, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Marguerite Seifert?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: S-e-i-f-e-r-t.

Mr. Collins: Have you been served with a subpoena, to appear before the Examiner here this afternoon?

The Witness: Yes, sir.

Trial Examiner Dudley: Is your first name Margaret or Marguerite?

The Witness: Marguerite.

Mr. Collins: Marguerite?

The Witness: Yes, sir.

Mr. Collins: You were served with a subpoena, were you?

The Witness: I was.

1623 Mr. Collins: You are here in response to that subpoena?

The Witness: Yes.

Mr. Collins: If the Examiner please, I would like to claim the exemption of the witness, or rather, the privilege of the witness, under paragraph 11, section 3 of the National Labor Relations Act.

Trial Examiner Dudley: Granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 1340 Adams Street, North Chicago, Illinois.

Q. How long have you been employed by the Fansteel Metallurgical Corporation?

A. About 8 months.

Q. What was your job?

A. Inspecting tungsten disks.

Q. That was in the contact department?

A. Yes.

Q. When did you join the union?

A. I think it was in the latter part of August.

Q. 1936?

A. Right.

Q. What was your hourly rate of pay?

A. 40 cents per hour.

Q. And you worked 40 hours per week, did you?

A. Well, a lot of times I worked overtime.

1624 Q. What did your weekly pay amount to?

A. Well, \$16.

Q. \$16?

A. Yes, sir.

Q. How much money have you earned since February 26th, 1937?

A. Nothing.

Q. When was the last date that you worked for the company?

A. The day we were told to go home.

Q. Was that February 17th?

A. Yes.

Q. When did you draw your last pay?

A. Well, my last pay, I think, was about the last of March.

Q. Did you turn in your pass at that time?

A. I had to turn in my pass, yes, sir, before they would give me my pay check.

Q. Did you talk to anybody about becoming reemployed?

A. No.

Q. Did anyone ever tell you that you were laid off?

A. No, they didn't.

Q. When the trouble started at the plant on the 17th of February, did you leave the plant at that time?

A. Yes, sir.

Q. At what time did you leave the plant?

A. Oh, it was about a quarter to 3:00, I guess, by 1625 the time we got out of there.

Q. Who told you to go home?

A. Well, I think Luther Henry was in there, and then I think there was some of the boys of the committee, that told us to go.

Q. Did you take any part in the strike activities that went on there?

A. No, I didn't.

Q. During the time that you were working for Fansteel, did you receive any raises?

A. Well, yes, sir, there was that nickel raise that everybody got.

Q. That was in November of 1936?

A. I think it was.

Q. During the time that you were working there, did you tell your foreman, or your forelady, that you belonged to this union?

A. Well, that was the time that there was a slip of paper going around, that everybody was supposed to sign; and I didn't sign it; and she wanted to know why I didn't sign it.

Q. What was that slip of paper for?

A. Well, it was about having the company go around, you know,—if you wanted more coal, or more heat, or something like that. It was supposed—

1626 Q. When did that slip of paper go around?

A. Well, I couldn't just say when it was, but I know it was after then that most of us joined the union—I think.

Q. Did you have a foreman, or a forelady?

A. A forelady.

Q. Did your forelady ever criticise you in connection with the work that you did?

A. No.

Q. Did she ever suggest any changes in the way you did your work?

A. No.

Q. You have never been called to return to work, have you?

A. No.

Q. (Continuing.) Since the trouble was over, there?

A. I have not.

Q. Did you ever make any individual application for work down there?

A. No, I didn't.

Mr. Walsh: You may inquire.

Respondents' counsel are not here yet.

Mr. Collins: I think they are coming in just now, your Honor.

Trial Examiner Dudley: We are ready for the cross-examination of this witness.

Mr. Walsh: The reporter will read to Mr. Keele 1627 what has transpired in his absence.

Mr. Keele: No, that is not necessary. Can you just tell me in a word what she has testified to?

Mr. Walsh: Her name is Marguerite Seifert; she worked about 8 months in the contact department; she joined the union the latter part of August, 1936; her hourly rate was 40 cents, and her weekly pay about \$16; she has earned nothing since February 26th. Her last pay was the last of March; she left the plant on the 17th; and she did not talk to anybody about becoming reemployed.

Mr. Keele: I might ask her just a few questions.

Cross-Examination.

Q. (By Mr. Keele.) When did you join the union, Miss Seifert?

A. In August.

Q. August.

A. Yes, sir.

Q. Did you tell your forelady—

A. Yes.

Q. —that you were a member of the union?

A. Yes, I did.

Q. Did you take any active part in union affairs?

A. No.

Q. Were you on any committees?

A. No, I wasn't.

Q. Do you know if Mr. Henry knew that you were 1628 a member of union?

A. I don't know if he did or no.

Q. Was there any discussion with your forelady, or whatever you wish to call her—that was Mary Atkinson, was it not?

A. Yes.

Q. Did you have any discussion with her about your being a member of the union?

A. The only thing she told me was that she was surprised at me; that was all.

Q. She said she was surprised at you?

A. Yes, sir.

Q. And that was with respect to the union?

A. Yes, sir.

Q. And that is all that she did say, is it?

A. Yes, sir.

Q. That is all the conversation you had with anybody?

A. Yes, sir.

Q. With respect to your joining the union?

A. Yes, sir.

Q. Did you have any conversation with anyone else—

A. No.

Q. (Continuing)—who was connected with the management?

A. No.

Q. No one at all?

No.

1629 Q. Did you make application for reemployment?

A. No, I didn't.

Q. Why not?

A. Well, because they told me they would call me back, when I left that day.

Q. They said if they wanted you, or needed you, they would call you?

A. Yes.

Q. Now, when you left the plant that day, you left at the suggestion, I believe, of Luther Henry, with the other girls?

A. Yes.

Q. That is, at the time you left?

A. Yes; we left there.

Q. Well, I mean, it was not a question of your being ordered out by the management, as a matter of discharge, but at the time that the plant was taken over by the men, they just suggested that all of the girls leave?

A. Yes.

Q. That is correct, is it?

A. Yes, sir.

Q. And no threats of any kind were ever made?

A. No.

Q. You said that there was no discussion.

A. No.

Q. But no threats, or rumors, came to you—

1630 A. No.

Q. —of the possibility of discharge, as the result of your union activities, did there?

A. No.

Q. Do you attend meetings of the union?

A. No, I don't think I have.

Q. Did you ever pay any dues?

A. No, sir.

Q. Well, what was the extent of your participation in union affairs, then?

A. (No answer.)

Q. I mean, what did you do in connection with the union, outside of signing a card? I assume you did that.

A. I don't think there was anything else.

Q. That was all you did?

A. I think so.

Q. You never took part in any of the meetings of the committees, did you?

A. No.

Q. Or of the meetings—the general meetings of the lodge?

A. No.

Q. Or anything like that?

A. No.

Q. What department were you in, Miss Seifert?

A. I was in the contact department.

1631 Q. In the contact department.

A. Yes.

Q. How many girls were there in the contact department,—or how many women?

A. Well, I think there was 23 working there, in the part that I worked in, under Mary Atkinson.

Q. 23 with Mary Atkinson, counting her, do you mean?

A. I am not sure.

Q. How many of those girls, or those women, belonged to the union on February 17th, at the time that the strike occurred?

A. I couldn't tell you.

Q. Well, how many did you know belonged?

A. Well, there was about four of them that had joined the union, that I knew of.

Q. About four that you know of?

A. Yes, sir.

Q. That is correct, is it?

A. Yes, sir.

Q. Who were they?

A. Evelyn Gramer.

Q. Evelyn Graimer?

A. Yes, sir.

Q. Who else?

A. Frances Fellens.

Q. Frances Fellens.

1632 A. Yes.

Q. Anyone else?

A. And I think there was Mabel Carlson.

Q. Yes.

A. And myself. That made the four.

Q. Did you take any part in the strike itself during the period from February the 17th to February the 26th, inclusive?

A. No, sir.

Q. Did you appear down at the factory?

A. Why, I wasn't down at the factory, no, sir; I was down to the junction at one time; I went by there; I was in a car.

Q. How many times?

A. Only once that I was in a car, and went down there and then there was a couple of times I went down there after the first gas attack, to see how bad the windows were smashed up.

Q. So that you were down there three times?

A. Yes, sir.

Q. And you were not down there more than a few minutes each time, were you?

A. I was just there a couple of minutes.

Q. You did not help put any food into the place, did you?

A. No.

Q. Did you bring any food down there?

A. No.

1633 Q. You did not do anything in the way of helping those men retain possession of the premises, did you?

A. No, sir.

Q. You did not appear on the picket line at any time, did you?

A. No, sir.

Q. Did you have any discussion with any of the management—

A. No, sir.

Q. Just a moment.—or any person connected with the management, during that period of time?

A. No, sir.

Q. And you never went down to see any member of the management after the 26th of February?

A. No.

Q. After the plant started again?

A. No, sir.

Q. Would you have gone back to work, Miss Seifert if the company had asked you to go back to work, as long as the men who had been in the buildings were out?

A. Not as long as they don't recognize the union, and they don't take none of them back.

Q. As long as they do not recognize the union, you would not go back to work?

A. And don't take any of the rest of the men back.

Q. All right. You would not have gone back anyway
1634 except under certain conditions; that is right, is it not?

A. That is right.

Q. And even though you got the same job, at the same rate of pay?

A. That is right.

Q. One of those conditions is, the reemployment of everyone who was in the strike; is that correct?

A. Yes, sir.

Q. Regardless of the cause of their discharge?

A. Yes.

Q. And regardless of what they may have done?

A. Right.

Q. Or the conditions then existing, at the time of their discharge?

A. That is right.

Q. At the plant, that is.

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: You are excused, Miss Seifert; thank you very much.

(Witness excused.)

Mr. Walsh: Frances Fellens.

FRANCES FELLENS called as a witness for the National Labor Relations Board, having been first duly sworn, 1635 testified as follows:

Mr. Collins: Your name is Frances Fellens?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: F-e-l-l-e-n-s.

Mr. Collins: Have you been served with a subpoena to appear before the Trial Examiner here this afternoon?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, I would like to claim the exemption of the witness, or the privilege of the witness, rather, under section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address, Miss Fellens?

A. 220 Washington Park, Waukegan, Illinois.

Q. When were you employed by Faustel?

A. I worked there two years. I started there in January of 1935, I believe it was.

Q. What was your job?

A. I was working, assembling contact points in the contact department.

Q. When did you join the union?

A. August, 1936.

1636 Q. What was your hourly rate of pay?

A. Well, I worked on piecework most of the time.

Q. On piecework most of the time?

A. Yes, sir, but it was 52 cents per hour.

Q. How much did your weekly pay amount to?

A. Well, around \$21.

Q. When did you draw your last pay check?

A. March 5th.

Q. Did you turn in your pass at that time?

A. Well, I asked them if they wanted it—I asked him and he said, "Yes, he would take that one and give me another one".

Q. Did he give you another pass?

A. He gave me a red one.

Q. A red one.

A. Yes, sir.

Q. Did they tell you to report for duty?

A. No, sir, they just said that they would let me know when they wanted me to come back.

Q. And they have never since then called you; is that correct?

A. No, they haven't.

Q. Do you know whether or not your department is operating at the present time?

A. I have heard that it is.

Q. Does somebody else have your job?

A. That is what I heard.

1637 Q. How much money have you earned since February the 26th?

A. Around \$18.

Q. What did you do, to earn that money?

A. I earned that money taking care of the baby of a girl friend of mine.

Q. Normally, when you are working at Fansteel, do you do any work on the outside for pay?

A. No, sir.

1638 Q. Are you working at the present time?
Off and on, I am.

Q. What are you working at now?

A. Taking care of a baby.

Q. Oh, the same employment.

A. Yes, sir.

Q. Now, during the time that you were working for the company, did you receive any raises from the company?

A. Yes, sir. Previous to the strike we had, I believe, two or three raises.

Q. Two or three raises.

A. Yes.

Q. And how much did those raises amount to?

A. Well, let me see.

Q. I suppose you participated in the nickel raise that they gave everybody in November of 1936?

A. Well, you see, we have rates on our work.

Q. Piecework rates?

A. Yes, sir.

Q. Yes?

A. And they changed them, and I couldn't say just how much it was, the last raise we got.

Q. When did that take place, do you remember?

A. The last raise that we got, I think was in the latter part of December, or the first part of January.

1639 Q. Did they change your rates sometime in November?

A. I believe they did on certain jobs, yes, sir.

Q. During the time you worked there, did your forelady, or your foreman, ever criticize you for the way in which you did your work?

A. No, sir.

Q. Did anybody tell you that you were not doing your work properly?

A. No, sir.

Q. Were you making the standard that was set up for your work?

A. I believe so.

Q. Did the other girls in the department with you, do more work or less work than you did?

A. Well, not to my knowledge. I really don't know, but I think we did about the same amount, on that job.

Q. Everybody about the same.

A. Yes.

Q. Did you usually talk with the other girls, as to how much they were making, and how much you were making?

A. No, we didn't discuss that.

Q. I see. Your rate of pay was 52 cents per hour; is that right?

A. The piecework rate.

Q. That is what you earned.

1640 A. Yes.

Q. At piecework.

A. Yes, sir.

Q. And you averaged \$21 per week?

A. Well, I would say, it would average around that, yes, sir.

Q. Would it sometimes be more than \$21?

A. Well, the last check that I got was \$57.94, but that was for 114 hours.

Q. And that was covering the period from February the 1st to February the 15th, was it not?

A. Yes, sir.

Q. Now, at the time the trouble broke out, did you leave the building at once?

- A. Yes, sir, I did.
 Q. Who told you to leave the building?
 A. I believe it was Luther Henry.
 Q. He just said, "You had better go home", did he?
 A. Yes.
 Q. That there was going to be trouble, or something of that kind; is that right?
 A. There wasn't anything for us to do.
 Q. Now, did the work stop, then?
 A. Yes, sir.
 Q. All of the work stopped then, did it?
 1641 A. Yes, sir.
 Q. And did your department, as well.
 A. Yes.
 Q. The management did not tell you to stop work then, did they?
 A. No, sir.
 Q. Other than Luther Henry telling you to go home?
 A. Yes.
 Q. After the trouble had started; is that right?
 A. Yes, sir.
 Q. Now, during the progress of the strike, did you take any active part in the strike?
 A. No, sir; I was out of town.
 Q. You were out of town, is that right?
 A. Yes, sir.
 Mr. Walsh: You may inquire.

Cross-Examination.

- Q. (By Mr. Block.) When did you join the union, Miss Fellens?
 A. In August 136.
 Q. August 1936.
 A. Yes, sir.
 Q. And at that time you were working in what department, did you say?
 A. I was in the—I was assembling contact points, in the Contact Department.
 1642 Q. I see. And were there other ladies in that department, also employed in that department?
 A. Yes, sir.
 Q. About how many were there, would you say?
 A. Well, do you mean, now, in just my department, or in both?

Q. Well, let us take them separately first. Take the inspection, and contact.

A. Inspection and contact?

Q. Yes.

A. Well—

Q. Approximately.

A. Oh, it varied; but I would say, around 50.

Q. About 50?

A. Yes, sir, I think so, although there might have been more than that.

Q. And did the number change from time to time, in the two departments?

A. Do you mean, did they hire more or less?

Q. Did they always have 50?

A. No; sometimes it was less.

Q. Sometimes less?

A. Yes, sir.

Q. And sometimes more.

A. Yes.

1643 Q. I mean, during the time that you were employed.

A. Well, that was about the most girls that they had.

Q. Yes, but they have had fewer than that number, have they not?

A. Yes, sir.

Q. Now, did you go back, to try to get your job back again?

A. No, sir.

Q. You say that they took up your pass, took up the pass from you?

A. They took my old one.

Q. And gave you another one?

A. Gave me a new one.

Q. Gave you a new one.

A. Yes, sir.

Q. From whom did you get the new pass?

A. George Schardt.

Q. George Schardt.

A. Yes.

Q. Have you got the pass with you?

A. Yes, I have.

Q. May I see it, please.

A. Yes.

Q. Now, let me see. The pass which you have handed to me is red in color; that is true, is it not?

A. Yes, sir.

1644 Q. And before that time, you had a different pass, a pass of a different color?

A. Yes, sir.

Q. What was its color?

A. Well, let me see. I think it was white, or cream-color. I don't remember exactly.

Q. And upon what date was it, did you say, the other pass was taken up from you?

A. Well—

Q. When was it?

A. When I went after my check, on the 5th of March.

Q. 1937?

A. Yes, sir.

Q. And where did you get this pass?

A. I got it right at the time I got my check. I asked him if he wanted my pass back, and he took that one, and he said, "Yes." He said, "You will have to have another one." I didn't know what for.

Q. Now, this pass is the pass that all employees who have been working in the plant, generally carry for admittance into the plant; that is true, is it not?

A. Yes, sir.

Q. Were you not told at the time you got this pass, to report for work?

A. No, I was not.

1645 Q. Well, why was this pass given to you—

A. I couldn't tell you.

Q. —on March 5th?

A. I don't know.

Q. Your old pass was taken up, you say.

A. It was.

Q. And they gave you this new one.

A. Yes, sir.

Q. And you never reported there.

A. No, sir.

Q. And you were never told to report—

A. Nobody ever asked me to.

Q. That is what I am getting at.

A. No.

Q. You were never told to report there?

A. No, sir.

Q. Now, would you have gone back to work if they had told you to report on the date when this pass was given to you—that is, this new pass, the red pass?

A. No, sir, I wouldn't.

Q. I see. That is really the reason, then, that you never reported back, is it not?

A. I told you before, I don't know why they did give me that pass.

Q. Well, but at the time they gave you the pass, they 1646 told you to come back to work, did they not?

A. No.

Q. They did not?

A. No, sir, they did not. Nothing was said to me about coming back to work.

Q. Well, but you say that you would not have gone back to work, anyway.

A. No, I wouldn't.

Q. Not unless certain conditions which you have in mind, were complied with?

A. Yes, sir.

Q. Regardless of what the situation might be at the plant.

A. Yes, sir.

Q. That is, if they did not do exactly as you thought they should have done, you would not have gone back to work?

A. Why, I was waiting for them to sign an agreement with the union.

Q. Well, I say, whatever the conditions were, you had certain conditions in your mind, and if the company did not agree to those particular conditions, whatever they might have been, you would not have gone back to work even if your job had been offered to you, would you?

A. No.

Q. And even though you might receive the same pay, in the same position.

1647 A. No.

Q. (Continuing) Which you occupied before.

A. I wouldn't have gone back.

Q. You would not have gone back.

A. Right.

Q. Did you ask for this pass; that is, this so-called new pass, or red pass?

A. No, sir, I did not. I just asked George Schardt if he wanted my pass.

Q. Yes.

A. The one I had.

Q. Yes?

A. And he said, "Yes, we will take that pass."

Q. And then he gave you this new one?

A. Yes.

Q. Or was it somebody else?

A. No, sir, he did; he gave it to me; and there was a girl in another room there, I don't know what her name is, but she was present when he gave it to me. He gave it to me without Mr. Anselm's signature, and then he went back in and got the signature, and brought it back.

Q. Mr. Fellens, do you care if we borrow this for a day or two?

A. Well—

Q. It is our property, you know.

1648 A. If it is all right.

Mr. Block: I ask that it remain here with the Board, just as the other one did.

Trial Examiner Dudley: Do you want to leave it with the reporter, as you did the other one; have it marked as an exhibit, for identification, and leave it with the reporter for the record?

Mr. Block: Yes. Supposing we have it marked as an exhibit for identification. It has not got her address on it, anyway.

Trial Examiner Dudley: Pardon me?

Mr. Block: It does not show her address, anyway. There is no address on it; just her name. Will you mark it for identification, please, Mr. Reporter.

(The card referred to was marked Respondent's Exhibit No. 6 for identification.)

Mr. Block: And may it be understood that Respondent's Exhibit 6 for identification will remain here in the custody of the reporter, with the other exhibits.

Trial Examiner Dudley: Very well.

Mr. Block: That is all.

Mr. Walsh: Just a moment.

Redirect Examination.

Q. (By Mr. Walsh.) Miss Fellens, what were those conditions counsel referred to, that you have in mind, that you thought the company ought to comply with before you go back to work?

A. Well, I was really surprised. I thought that they would recognize the union, and that we would soon be back to work.

Q. And you did not want to go back unless everybody else went back, did you?

A. No, sir, I did not. I didn't think it would help matters any.

Mr. Walsh: All right.

Re-Cross Examination.

Q. (By Mr. Block.) Well, Miss Fellens, suppose, at the time you reported and got the second pass, that there was not sufficient work for the entire number. You still would have refused to go back, unless they all went back, would you not?

A. Well, I think I would have, yes, sir.

Q. You would have, would you not?

A. Refused to go back?

Q. Yes.

A. I believe I would have.

Q. That is what I thought you said.

A. Yes, sir.

Mr. Block: That is all.

Re-direct Examination.

Q. (By Mr. Walsh.) Miss Fellens, if there just was not any work for some of the fellows at that time, and every-
1650 body else had gone back, but some of them were kept out because there was not any work, you would have gone back; is that right?

A. Well, I believe they would have called the fellows back, when they got work for them.

Mr. Walsh: That is all.

Trial Examiner Dudley: Is that all with the witness?

Mr. Block: Nothing further.

Trial Examiner Dudley: You are excused; thank you very much.

(Witness excused.)

Mr. Walsh: Fern Gartley. Will you swear the witness, if the Examiner please.

FERN GARTLEY, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Fern Gartley?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the reporter please.

The Witness: G-a-r-t-l-e-y.

Mr. Collins: Have you been served with a supoena, Miss Gartley, to appear here before the Trial Examiner this afternoon?

The Witness: Yes, sir.

Mr. Collins: I would like to claim the privilege of the witness, if your Honor please, under Section 11, paragraph 1651 3 of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

- Q. (By Mr. Walsh.) What is your address?
A. 1424 Lincoln Street, North Chicago, Illinois.
Q. Waukegan?
A. No, North Chicago.
Q. Oh, North Chicago.
A. Yes.
Q. How long were you employed by Fansteel?
A. A little over two years.
Q. You will have to talk up a little louder, Miss Gartley.
A. A little over two years.
Q. What was your job?
A. Inspecting contact points.
Q. When did you join the union?
A. January the 8th, 1937.
Q. What was your hourly rate of pay with the company?
A. 42 cents.
Q. How many hours per week did you work?
A. 40 hours a week, unless we worked on Saturday.
Q. How much did your weekly pay amount to?
A. About \$16.80.
Q. When did you draw your last pay for the company?
A. March 5th.

1652 Q. At that time did the company take up your pass?

A. No, they didn't.

Q. Did you talk to anybody about going back to work?

A. Well, I called the forelady, and she said that they had somebody in my place.

Q. During the time that you were working there, did the forelady criticize the way in which you did your work?

A. No, she didn't.

Q. Did you receive any raises while you worked for the company?

A. Yes, sir, I did; I got two. One was a two cent raise, and the other was a nickel raise.

Q. At the time the trouble broke out on February the 17th, 1937, were you working?

A. Yes, sir.

Q. Who told you to go home?

A. They just told us to clean up our stuff, and go home.

Q. Who told you that?

A. Well, some of the guys came in there; that was—

Q. Some of the men on that committee?

A. Yes, sir.

Q. Was there any official of the company there?

A. No, there wasn't, not at that time.

Q. Did you later, after the trouble was over, and the plant reopened, go back down there to go to work?

1653 A. No, I didn't.

Q. How much money have you earned since February the 26th, 1937?

A. None.

Q. Did your forelady know whether or not you were a member of the union?

A. I don't know if she did or not.

Q. Did you ever talk it over with her?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) What time of the day on the 17th of February were you told by the committee to leave the plant?

A. About two-thirty, or a quarter to three.

Q. Where were you at the time?

A. Working.

Q. You were at your work.

A. Yes.

Q. And where were you; in what building?

A. Building 3.

Q. Building 3.

A. Yes, sir.

Q. Were there other women there also?

A. Yes, sir.

Q. Now, who was it on the committee, who told you
1654 to leave your work at that time?

A. Well, I don't know. I was busy working, and two
guys came in and hollered, "Stop working, and go on home."

Q. Do you know who they were?

A. No, sir. I didn't even bother looking up. They went
right by.

Q. What do you mean by "the committee"; two members
of a committee?

A. Yes.

Q. What committee?

A. The C. I. O.—or, the guys upstairs, on the committee.

Q. Well, first, they were employees of the Fansteel Com-
pany, were they not?

A. Yes, sir.

Q. And second, they were members of the same union to
which you belonged?

A. Yes, sir.

Q. And that was during working hours?

A. Yes.

Q. When they told you to leave the building.

A. Yes.

Q. And as I understand it, you left?

A. Yes, sir.

Q. Without talking to anybody else about it.

A. Yes.

1655 Q. That is right, is it?

A. Yes.

Q. Now then, this department that you were in, had how
many ladies in it—or how many women employees?

A. Well, there is two departments.

Q. Taking the two together, then.

A. Well, there is about 50, I would say; about 45 or 50
altogether.

Q. It is true that they did not always have the same
number of women in that department, is it not?

A. No, they didn't. There was some new ones hired.

Q. How?

A. There was some new ones.

Q. Some what?

A. New ones.

Q. Well, I say, the number would change from time to time?

A. Yes.

Q. That is true, is it not?

A. Yes, sir.

Q. That has been the practice?

A. Yes.

Q. At least during the period of time when you worked there; that is right, is it not?

A. Yes, sir.

Q. Now, then, when this committee told you to leave, 1656 you left?

A. Yes, sir.

Q. You did not go back to the place at all?

A. No.

Q. Did you ever go back there?

A. No.

Q. Did you ever ask for your employment back again?

A. I called up the forelady; I didn't go down there, though.

Q. You called her up?

A. Yes, sir.

Q. When?

A. Oh, that was after they put that notice in the paper, that we could go back.

Q. Whom did you call?

A. Mary Atkinson.

Q. Was she your forelady?

A. Yes, sir.

Q. Do you know when you called?

A. Oh, after the strike.

Q. Well, but I mean, would it be sometime in March, or when?

A. It would be at the end of February.

Q. You think it was the latter part of February?

A. Or the first of March.

Q. And did you go down there, after you talked with her?

A. No, I didn't.

1657 Q. Would you have gone back to work without the others?

A. Not now, I wouldn't have.

Q. You say, not now, you would not have.

A. No.

Q. That is, at the present time you feel that your return to the Fansteel Company as an employee, would have to be under certain conditions?

A. Yes.

Q. That is right, is it?

A. Yes, sir.

Q. I direct your attention again, Miss Gartley, to the time when you left the plant on February the 17th. You remember that occasion?

A. Yes, sir.

Q. Were there other people in the building at that time?

A. Just the girls that was working in the department.

Q. Well, this remark that the two members of the committee made, to leave; was that made just to you, or was it made to all of them?

A. They came in and yelled it out.

Q. How?

A. I say, they came in and hollered it out, that we should quit work and go.

Q. Yes. Well now, I want to get it straight. They came in and hollered for you to quit work?

1658 A. Yes.

Q. Or, to leave the building?

A. Yes.

Q. Was that remark—or were those remarks directed to all of the women who were in there?

A. Yes, sir.

Q. And did they thereupon all leave?

A. Yes, sir.

Q. Now, before you left the building did you talk to anybody else at all?

A. No, I didn't.

Q. Nobody at all?

A. No.

Q. No officer of the company?

A. No.

Q. To your forelady?

A. No.

Q. Or anybody else connected with the company?

A. No, sir.

Q. Did you know what it was all about, when they told you to leave at that time?

A. No, sir, I didn't. I was kind of excited, and I didn't know. I just walked out.

Q. Had you talked that over with someone?

A. No, I hadn't.

1659 Q. You did not have the permission of anyone to leave your work that day, did you?

A. No, sir.

Mr. Block: I think that is all.

Mr. Walsh: Just a moment.

Redirect Examination.

Q. (By Mr. Walsh.) What paper was it that the notice was in, Miss Gartley?

A. The Waukegan Sun.

Q. What day did that notice appear; do you remember?

A. Nine days after—or, right after the fellows got out, they had a piece in there that if they came back, they would get their nine days pay; or something like that.

Q. Do you remember what day that was—the strike had been on nine days; is that right?

A. Yes, sir.

Mr. Block: No, she said nine days after. That is what you said, is it not?

Q. (By Mr. Walsh.) Was it nine days after the men were out of the buildings?

A. A week or so after.

Q. How?

A. About a week or so after they were out, I believe.

Q. About a week or so after they were out?

A. Yes, sir.

1660 Q. That is when the notice appeared in the paper?

A. Yes, sir.

Q. In the Waukegan Sun.

A. Yes, sir.

Mr. Walsh: Thank you. That is all.

Mr. Block: Nothing further.

Trial Examiner Dudley: Just a moment, please, Miss Gartley. I want to ask you one or two questions.

Q. (By Trial Examiner Dudley.) Did you take any part in picketing after the strike?

A. No, I didn't.

Q. Did you help in any way in passing in food or clothing?

A. No, sir, I didn't. I was down there, but I didn't put anything in there.

- Q. That was along in November?
 A. Yes.
 Q. The general 5 cent raise.
 A. Yes, sir.
 Q. You have never been called to return to work?
 A. No, sir.
 1664 Q. Since you left?
 A. Well, no, sir, I was never called, but then, on the 26th, I met my boss and he says, "When everything is settled and fixed up," he says, "I will notify you"; but he never did.
 Q. I see.
 A. That was the 26th.
 Q. Of February?
 A. Yes, sir.
 Q. Had there men at that time been driven out of the plant?
 A. Yes.
 Q. Who is your boss?
 A. Johnny Zivic.
 Q. Johnny Zivic?
 A. Yes, sir.
 Mr. Walsh: You may inquire.

Cross-Examination.

- Q. (By Mr. Block.) What building were you in, when you were told to leave?
 A. Building 5.
 Q. And is that the same building that Miss Gartley was in?
 A. Miss who?
 Q. Gartley.
 A. I don't know her.
 Q. Did somebody walk in and tell you to leave?
 A. Do you mean, as an individual?
 1665 Q. Well, or as a group.
 A. Well—
 Q. As a group.
 A. The boss told us that we should leave.
 Q. Well, was there somebody else in there before that?
 A. Well, I don't know. I was so excited that I don't remember.
 Q. There may have been?
 A. Yes, sir, there may have been, but I can't remember if anyone told me to leave or not.
 Q. Was it Mr. Charles Warner?

A. I don't remember.

Q. You do not remember?

A. No.

Q. Or Fred Yaeger?

A. No.

Q. But there may have been somebody in there?

A. There may have been, yes, sir, but I can't remember now anyone being in there.

Q. Which department were you working in?

A. The Inspection Department.

Q. And how many were employed in that department, that is, how many women were employed in that department?

A. I guess there was five of us.

Q. That is you are confining it to the inspection department?

1666 A. Yes, sir.

Q. That is where you worked.

A. Yes, sir.

Q. Did you always have five women in there during the time you were employed there?

A. Well now, let me see. I believe there was only five.

Q. Well, I am not talking about that day. You said on February the 17th there were five in the department,—five women.

A. Six, or—yes, five.

Q. Now, were there always five women in there, from the time you started to work there?

A. Oh, no. There was a new girl there later on. She came to us when we had been working there for about four months, I believe, although I am not sure.

Q. Well, how long had you worked there?

A. About a year and a half.

Q. And did you work continuously, or did you have some time off?

A. No, continuously.

Q. During that year and a half, were there always five women in that department?

A. Yes.

Q. Or did the number change from time to time?

A. Well, it was always the same number.

1667 Q. How?

A. Always the same number.

Q. I did not hear.

A. Always the same number.

Q. Always the same?

A. Yes.

Q. I thought I understood you to say something about another girl coming in there.

A. Oh, there was a new girl later on. I don't know when she came there. She had not been working there very long though.

Q. Would that make it five, or six?

A. Well—

Q. When the new girl, that you speak of, came in, would that make it five or six?

A. That would make it five girls, with the new girl.

Q. Five with the new girl?

A. Yes.

Q. And before that time, then, you had how many?

A. Four.

Q. And that was true for how long a time?

A. Well—

Q. A year or more?

A. You mean, five girls?

Q. No, four girls.

A. Oh, four?

1668 Q. Yes.

A. That was for about a year, I guess.

Q. Now, you joined this union when?

A. March 3rd, 1937.

Q. March 3rd —

A. Yes.

Q. —1937.

A. Yes.

Q. So of course you did not discuss your membership in the union with anybody in the shop before the sit-down—

A. No, sir.

Q. —or the strike, did you?

A. No, sir.

Q. And you did not take part in it in any way, did you?

A. No, sir.

Q. You did not belong to it before that date?

A. No.

Q. Did you ever go back for your job?

A. No, sir. He said he was going to notify me, but I didn't go back.

Q. I see. You never made any inquiries at all about it, did you?

A. No, sir.

Q. Would you have gone back on February the 27th, or February the 28th, or March the 3rd, if you had been 1669 offered your same position?

A. No, sir, not while they were on strike.

Q. And that would be true of February 27th and February 28th also, would it not?

A. Yes, sir.

Q. Even though you did not belong to this union at that time?

A. Yes, sir, even then.

Q. So that it would have been useless to call you back, would it not?

A. Well—

Q. You would not have gone back anyway, would you?

A. No, sir, not until they recognize the union.

Q. I see.

A. Until the whole bunch goes back.

Q. Well, in February you did not belong to the union, though, did you?

A. Oh, no. That was March 3rd.

Q. Well, I say, in February you did not belong to the union, did you?

A. No.

Q. But if you had been called in February, you would not have gone back, you said.

A. No.

Q. You did not want to work, then, did you?

1670 A. No, sir, not until all of the rest of the boys went back, and the rest of the girls.

Q. I see.

A. I would be scabbing if I went back.

Q. You do not mean, the rest of the boys. You mean the rest of the girls, do you not?

A. Well—

Q. Or do you mean, the boys and girls?

A. I mean, the boys and girls—the girls and boys who joined the union.

Q. Now, so as to be sure, because I do not want to confuse you: you did not join the union until March 3rd?

A. That is right.

Q. The strike was over at that time, was it not?

A. What is that?

Q. I mean, at least, the men were out of the plant?

A. Yes.

Q. And some of them had gone back to work?

A. Yes.

Q. Yes. All right. Now, do not make a joke out of it, please, Miss Luczo. Let us be serious for a moment here.

On March 2nd you were not a member of the union, were you?

A. No.

Q. You were not a member of the union before that?

A. No.

1671 Q. But if you had been asked to go back to work at any time before March 3rd, you would not have gone back, would you?

A. No, I wouldn't.

Q. All right, and if you had been asked to go back to work after March 3rd, that would be equally true, would it not?

A. That is true.

Mr. Block: All right, that is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment, please, Miss Luczo. I would like to ask you one or two questions.

The Witness: Yes, sir.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) Are you related to Steve Luczo?

A. That is my dad.

Q. Your father?

A. Yes, sir.

Q. He was also employed at Fansteel, was he not?

A. Yes, sir.

Q. Was he a member of the union?

A. Yes, sir.

Q. Do you know when he joined?

A. No.

Q. Pardon me?

A. No, sir, I really don't know.

1672 Q. Do you know about when he joined?

A. No, sir, I really don't know. November, I think, but I am not sure; I really don't know.

Q. He joined before the strike?

A. Yes, sir.

Q. Do you live with him?

A. Yes, sir.

Q. Is he an officer of the union?

A. No.

Q. Is he a member of any committee in the union?

A. No.

Trial Examiner Dudley: That is all.

Redirect Examination.

Q. (By Mr. Walsh.) You are an officer of the union at the present time, are you not, Miss Luczo?

A. At the present time?

Q. Yes.

A. Yes, I am.

Q. You are the recording secretary of the union, are you not?

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Block: Just a moment.

Recross Examination.

Q. (By Mr. Block.) You held no office at that time, did you?

A. No.

1673 On March 3rd.

A. No.

Q. Now, as to your father did he tell you not to go back to work?

A. No, sir, he had nothing to do with it.

Q. I see. So your decision not to go back to work—

A. Was my own.

Mr. Block: Pardon me, Miss Luczo; let me put the question please.

The Witness: Yes.

Q. (By Mr. Block.) Your decision not to go back to work during February of 1937 and thereafter, was your own decision.

A. Yes, sir.

Q. Irrespective of his position?

A. Yes, sir.

Q. Or his intentions?

A. Yes, sir.

Q. That is right, is it not?

A. That is right.

Mr. Block: All right.

Redirect Examination.

Q. (By Mr. Walsh.) Do you know the date on which your father joined the union, Miss Luczo?

A. I can't remember exactly. I am not sure. I thought maybe it was in November, but I am not sure.

1674 Q. If I were to tell you that it was November the 11th, 1936—

A. I don't remember.

Q. —would that be about the date that you have in mind?

A. I don't remember what date it was.

1675 Mr. Walsh: That is all.

Trial Examiner Dudley: That is all. Thank you.

(Witness excused.)

Mr. Walsh: Evelyn Graimer.

EVELYN GRAIMER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Evelyn Graimer?

The Witness: Yes.

Mr. Collins: Spell your last name for the reporter, please.

The Witness: G-r-a-i-m-e-r.

Mr. Collins: Are you the wife of Phil Graimer?

The Witness: I am.

Mr. Collins: Have you been subpoenaed to appear here today before the examiner?

The Witness: Yes, sir.

Mr. Collins: On behalf of the witness, I wish to claim her privilege under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address, Mrs. Graimer?

A. 1424 Lincoln Street, North Chicago, Illinois.

Q. How long have you been employed by Fansteel?

1676 A. 8 years.

Q. What was your job?

A. Assembling contact points.

Q. That is in the Contact Department?

A. Yes.

Q. When did you join the union?

A. In August 1936.

Q. What was your hourly rate of pay?

A. 40 cents.

Q. You worked 40 hours per week, did you?

A. Yes, sir; but I worked on piecework.

Q. You worked on piecework.

A. Yes, sir.

Q. How much did you earn per hour at your piecework rate?

A. Around 52 cents.

Q. How much did your weekly pay amount to?

A. It would average between \$20 and \$21.

Q. Now, how much money have you earned since February 26th, 1937?

A. I haven't earned any.

Q. When did you get your last pay from the company?

A. March 5th.

Q. Did they take up your pass at that time?

A. No, they didn't.

Q. Did you talk to anybody about returning to work?

1677 A. No, I haven't.

Q. Did you make any application to return to work?

A. No.

Q. Now, during the time that you worked at Fansteel, have you received raises from time to time?

A. Yes, sir; we had raises on certain jobs.

Q. They changed the rate of pay—

A. Yes.

Q. —for certain jobs; is that right?

A. Yes.

Q. During the time you worked for Fansteel, have you ever been criticized for the way in which you did your work?

A. Never, no.

Q. Who was your forelady, or who was the foreman in that department?

A. Dean Bennett was the foreman.

Q. Who is Dean Bennett?

A. Dean Bennett?

Q. Yes. That is a man?

A. Yes.

Q. Did he ever criticize you for the way in which you did your work?

A. No.

Q. Did you do about as much work as any of the other girls in that department, or more work than any of the other girls?

1678 A. I think I done as much.

Q. Did you make the standard that was set by the company?

A. Yes, sir.

Q. Now, at the time the trouble broke out, on February 17th, did you leave the building?

A. Yes, sir.

Q. Who told you to leave the building?

A. Well, Luther Henry told us we should go home.

Q. And did he tell you he would call you when the trouble was over?

A. Well, he called that night, and he said he would let us know—notify us when he wanted us back.

Q. And you have never been called back to work?

A. No.

Now, during the progress of the strike, your husband was engaged in the strike, was he not?

A. Yes.

Q. Was he in the plant?

A. Yes.

Q. Did you do anything to help him stay in the plant?

A. I took some clothing down to him.

Q. Did you take any blankets—

A. Yes.

Q. —or other stuff?

A. I took a blanket.

1679 Q. Did you ever go on the picket line?

A. No, I never did.

Q. Did Dean Bennett know that you were a member of the union?

A. No, I don't think he did.

Q. Did you ever discuss that with any of the bosses there?

A. No.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) Mrs. Graimer, your husband worked for the Fansteel Company in February, did he not?

A. Yes, sir.

Q. You worked for the Fansteel Company?

A. Yes.

Q. How long had he been employed there?

A. I think about 18 years.

Q. And how long had you been working there?

A. 8 years.

Q. Then you joined the union—when?

A. August.

Q. Of 1936?

A. Yes.

Q. That is right, is it?

A. Yes, sir.

Q. And on February 17th, when you were told, as you said, by Mr. Henry to leave the building, where were you?

1680 A. We were coming out.

Q. You were coming out?

A. Yes, sir.

Q. At that time?

A. Yes, sir.

Q. Why?

A. Well, everybody got up to go out, and they told the girls they might as well go home.

Q. I see. Well, somebody had been in there, had they, and told them to go out?

A. I don't know who they were.

Q. No, I am not asking who they were; but I say, irrespective of who they were, before Mr. Henry said anything to you about it, there were some employees in there, who came in there and told you women, or ladies, or girls, whichever you prefer me to call you, to leave the building?

A. Yes.

Q. That is a fact, is it not?

A. Pardon me?

Q. I say, that is a fact?

A. Yes, sir.

Q. Now, those particular parties were members of the union, were they not?

A. I think so.

Q. They were members of a committee of the union.
1681 were they not?

A. I think they were.

Q. Yes. Did you know them?

A. I don't remember who it was.

Q. Now, you do not remember now who it was, but you knew them then, did you not?

A. Yes.

Q. And they were members of your union?

A. Yes.

Q. What did they say?

A. I don't remember. They just said that the women should go home.

Q. How?

A. That the women should go home.

Q. That the women should go home.

A. Yes.

Q. This was during working hours?

A. Yes, sir.

Q. About 2:30 in the afternoon?

A. Around that, yes.

Q. And there were about 50 women in there, would you say?

A. 50 or 55.

Q. Something like that?

A. Around there.

Q. And those men, whoever they were, and whatever
1682 the number of men, told you all to go home?

A. Yes, sir.

Q. What were you working on?

A. Assembling contact points.

Q. All right. Thereupon the 55 women quit their work?

A. Yes.

Q. Dropped their work, and left the building?

A. Yes, sir. First they all started talking, and then they went out.

Q. Now, it is not true that Mr. Henry first told you women, or ladies, to leave the building, is it?

A. No, but he came in, and he says, "You might as well go home."

Q. Yes. But that was after these other men had talked to you, and told you to leave the building, was it not?

A. Yes, sir.

Q. That is true, is it not?

A. Yes, sir.

Q. And then he said, "Well, you might as well go home"?

A. Yes, sir.

Q. What building was that, by the way?

A. 3.

Q. Building 3.

A. Yes.

Q. And then did you leave the building immediately,
1683 or did you—

A. Yes, we went right out.

Q. You did not go back, then, after that, did you?

A. No, I never went back.

Q. Now, during the time that you have been employed there, did you always have about 50 or 55 women, whatever the number was, in that department?

A. No.

Q. Or did it change from time to time?

A. They changed.

Q. They did change?

A. Yes.

Q. And that happened from time to time; there were less employees, and more employees?

A. Yes.

Q. In that department?

A. Yes, it changed.

Q. Sometimes there was more work, and sometimes there was less work; is that not correct?

A. Yes, sir.

Q. And some would be laid off?

A. Yes.

Q. And some would not be?

A. Yes.

Q. That is a fact, is it not?

1684 A. Yes, sir.

Q. Now, then, your husband was one of the men who remained in one of the buildings during this entire period from February 17th to February 26th, inclusive, was he not?

A. Yes, sir.

Q. And during that time you knew, of course, that there had been an injunction issued by the Circuit Court of Lake County, by Judge Dady?

A. Yes.

Q. And you knew that your husband was in there?

A. Yes, sir.

Q. And after you had learned that, you took certain articles down there for him, or for his use, did you not?

A. Yes, I did.

Q. And you, I suppose, went down there, from day to day, to see how they were doing?

A. Yes, sir.

Q. To see how the boys were getting along?

Q. Did you talk with any of the men in the buildings when you were down there?

A. Well, they were all hollering out there, but I didn't talk to any one in particular.

Trial Examiner Dudley: That is all. Thank you.

Mr. Block: Just one more question.

Recross Examination.

Q. (By Mr. Block.) No one connected with the management ever discussed the union with you at all?

A. No, sir.

Q. Or your joining the union?

1661 A. No, sir.

Mr. Block: That is all.

Mr. Walsh: That is all; thank you.

(Witness excused.)

Mr. Walsh: Bessie Luczo.

BESSIE LUCZO, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Bessie Luczo?

The Witness: Yes, sir.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: L-u-c-z-o.

Mr. Collins: Were you served with a subpoena to appear before the Examiner here today?

The Witness: Yes, I was.

Mr. Collins: I would like on behalf of the witness to claim her privilege, if the Examiner please, under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 2303 Christian Avenue, North Chicago, Illinois.

Q. How long were you employed by Fansteel?

A. Oh, about a year and a half.

Q. What was your job?

1662 A. Inspecting wire.

Q. In the wire department?

A. Yes, sir.

Q. What was your rate of pay?

A. 40 cents per hour.

Q. And you worked 40 hours per week, did you?

A. Yes, sir.

Q. What did your weekly pay amount to?

A. Oh, it would average about \$16.

Q. When did you draw your last pay?

A. Around February the 28th.

Q. Did the company take up your pass at that time?

A. No.

Q. Did they ask you for your pass?

A. No.

Q. How much have you earned since February the 26th,

1937?

A. \$20.

Q. And what did you do to earn that money?

A. Housework.

Q. Do you normally work for pay outside, or in your spare time, when you are employed by Fansteel?

A. No, sir.

Q. Now, at the time the trouble broke out on the 17th of February, 1937, were you in the plant?

A. Yes, sir.

1663 Q. Did you leave the plant when the trouble started?

A. Yes, sir, and before I left the plant my boss, he says, "Give me your phone number" and he says that he will notify us when he wants us back.

Q. I see. Now, while the strike was in progress, did you take any active part in it?

A. Do you mean, to help bring food to them, or something like that?

Q. Yes.

A. No.

Q. During the time you were working for the company, did anybody criticize the way in which you did your work?

A. No, sir, never.

Q. Did you receive any raises, during the time you were working there?

A. Well, there was two raises. The first, I was getting 30 cents per hour, and then I got a nickel raise to 35 cents; and then there was another 5 cents raise during the time—when they were signing up for the union.

A. Yes, sir.

Q. If any occasion arose where they needed any assistance from the women, you rendered such assistance?

A. No, sir; I didn't. I just took the clothes down there.

Q. You just took the clothes down.

A. Yes.

Q. Any other articles?

1685 A. How?

Q. Did you take any other articles?

A. A blanket.

Q. I suppose you did not attempt to discourage the men in there, did you?

A. No, I didn't say nothing to them.

Q. You did not ask your husband to come home?

A. No, I didn't say nothing.

Q. And you never went back to get your job back, did you?

A. No.

Q. You never entered upon the Fansteel premises after that, did you?

A. No, sir.

Q. If they had tendered you employment of the same kind and character that you had before February 17, 1937, you would not have accepted it, would you?

A. No, sir; not unless they recognized the union.

Q. In other words, you attached some conditions to it?

A. How is that?

Q. You were attaching certain conditions to it?

A. Yes; if they recognized the union—

Q. Yes.

A. —and they all went back.

Q. Otherwise you would not have gone back, would you?

A. No.

1686 Q. Under any conditions?

A. No.

Mr. Block: That is all.

Redirect Examination.

Q. (By Mr. Walsh.) Did you see that advertisement in the paper, Mrs. Graimer?

A. Yes, sir.

Q. Do you remember what day that appeared?

A. It was a couple of weeks after the fellows came out.

Q. That was in the Waukegan—

A. Sun.

Q. News-Sun, or Sun, whatever it is.

A. Sun.

Mr. Walsh: That is all.

Mr. Block: Pardon me just a moment.

Recross Examination.

Q. (By Mr. Block.) This article which you say you read in the newspaper, was one which appeared in the Waukegan paper?

A. Yes, sir.

Q. Do you remember what it said about employees returning to work?

A. Well, it said that if they came back they would get 10 days' pay.

Q. You read that, did you?

A. Yes, sir.

1687 Q. And you did not go back?

A. No, sir.

Q. When did you read this article, by the way?

A. Well, I think it was 2 weeks after the fellows were out of there.

Q. That would be about 2 weeks—

A. Or 3.

Q. (Continuing) —after February 27th or February 26th 1937?

A. Yes, sir.

Q. Now, Mrs. Graimer, after you read that article, I suppose you discussed it with others, did you?

A. I didn't discuss it, no.

Q. You did not?

A. Just at home.

Q. Pardon me?

A. Just with those at home.

Q. Yes. Well, when you read that article, you considered that as an offer to reemploy you, did you not?

A. Yes, sir.

Q. And you refused it?

A. Yes, sir.

Mr. Block: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down. Thank you very much.

1688 (Witness excused.)

Mr. Walsh: Vivian Johnson. Is Vivian Johnson here?

(No response.)

Mr. Walsh: Tillie Mesec. This witness has not been sworn, if the Examiner please.

TILLIE MESEC, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Tillie Mesec?

The Witness: Yes.

Mr. Collins: Will you spell your last name for the reporter, please?

The Witness: M-e-s-e-c.

Mr. Collins: Were you subpoenaed to appear here before the Examiner today?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, on behalf of the witness, I would like to claim her privilege under section 11, paragraph 3, of the National Labor Relations Act?

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 1031 McAllister Avenue, North Chicago, Illinois.

Q. How long have you been employed by Fansteel?

A. 2 years.

Q. What is your job?

1689 A. Inspection, in the Contact Department.

Q. When did you join the union?

A. November 1936.

Q. What is your hourly rate of pay?

A. 42 cents per hour.

Q. And did you work 40 hours per week?

A. Yes, sir.

Q. What did your weekly pay amount to?

A. \$16.80.

Q. How much money have you earned since February 26, 1937?

A. About \$24.

Q. What were you doing?

A. Housework.

Q. Normally, when you are employed at Fansteel, do you do any work on the outside for pay?

A. No, sir.

Q. When did you get your last check from the company?

A. About the middle part of April.

Q. About the middle of April?

A. Yes, sir.

Q. And did they take up your pass at that time?

A. Well, they asked me for it, but I didn't have it with me at that time.

Q. Did you talk to anybody about going back to work?

A. I was called back.

1690 Q. Oh, you were called back?

A. Yes.

Q. And did you go back to work?

A. No, I didn't.

Q. Why did you not return to work?

A. I wouldn't return to work unless they recognized the union.

Q. Well, did they offer you the same job that you had, back there?

A. Yes, sir.

Q. At the same rate of pay?

A. Well, Mary Atkinson told another girl to come and tell me about it, and she didn't say what job I would get.

Q. I see. Mary Atkinson is the forelady in your department, is she?

A. Yes, sir.

Mr. Walsh: You may inquire.

1 Cross-Examination.

Q. (By Mr. Block.) Miss Mesec—is it Miss Mesec?

A. Yes, sir.

Q. How long have you worked for the company?

A. 2 years.

Q. Were you working there steadily?

A. Yes, sir.

Q. Now, how many were there in your department; how many women?

1691 A. About 20.

Q. About '20.

- A. Yes.
- Q. Did that number change from time to time?
- A. Yes, sir.
- Q. On February 17th, you were employed there?
- A. Yes, sir.
- Q. In the performance of your usual duties?
- A. Yes, sir.
- Q. Did somebody tell you to leave the building?
- A. Yes.
- Q. Who?
- A. Luther Henry.
- Q. Who, if anyone, said anything about the subject of leaving the building, before Luther Henry spoke of it?
- A. Well, I don't remember.
- Q. You do not remember those men?
- A. No, I don't.
- Q. Well, let us get that. You mean that there was someone there, who came in and asked the women, or told the women—
- A. Yes.
- Q. —to leave the building; is that correct?
- A. Yes, sir.
- Q. That was not Mr. Henry?
- A. No, sir.
- 1692 Q. Well, now, was that one man, or was it two or three men, or a group of men, or who was it?
- A. Well, I don't remember any more. I can't say.
- Q. No, but you were there?
- A. Yes, sir.
- Q. And they were members of the union that you belonged to, were they not?
- A. I imagine they were.
- Q. They were employees also, were they not?
- A. Yes, sir.
- Q. They were not officials or foremen?
- A. No, sir.
- Q. That is right, is it?
- A. Yes, sir.
- Q. Now, then, after these men instructed you to leave, that is when the women left?
- A. Yes, sir.
- Q. Or started to leave?
- A. Yes, sir.
- Q. And it was after that time that you had the conversa-

tion with Mr. Henry, or when Mr. Henry said, "Well, you might as well go home"?

A. Right.

Q. Is that a fact?

A. Yes, sir.

1693 Q. Mr. Henry did not discharge you, did he?

A. No, sir.

Q. He did not tell you to quit work, did he?

A. No.

Q. You never were discharged, were you?

A. No, sir.

Q. You never went back to work?

A. No, sir.

Q. And you were offered employment?

A. Yes, sir.

Q. Through somebody?

A. Yes, sir; I was.

Q. But you never returned?

A. No, sir.

Q. And you never offered to return?

A. No, sir.

Q. You would not have returned if the offer had been repeated to you, would you?

A. No.

Q. You had no trouble with your forelady, did you?

A. No.

Q. Before that time?

A. No, sir.

Q. You liked your job, did you not?

A. Yes, sir.

1694 Q. You were perfectly satisfied?

A. Yes, sir.

Mr. Block: That is all.

Mr. Walsh: Just a moment, please.

Redirect Examination.

Q. (By Mr. Walsh.) While you were there, had they ever criticized you for the way you did your work?

A. No, sir.

Q. Did you make the standard that was set by the company, every day?

A. I was doing day work.

Q. You were doing day work.

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Block: Nothing further.

Trial Examiner Dudley: That is all. Thank you.

(Witness excused.)

Mr. Keele: If the examiner please, I wonder if we might at this time suggest we shall probably desire to recall three of these girls, Frances Fellens, Marguerite Seifert, and Elizabeth Luczo. Might they be instructed to wait, until you have finished putting in this phase of your case?

Mr. Walsh: Yes.

Mr. Keele: If that may be done, Mr. Examiner?

Trial Examiner Dudley: Did they hear the names? 1695 I think they are all here. Fern Gartley, Frances Fellens, Marguerite Seifert, Elizabeth Luczo—no, you do not need to come forward now. Just wait a little while.

Mr. Walsh: Yes, just wait.

Now, let us have Isabella Recktenwald. Will you swear the witness, please, your Honor.

ISABELLA RECKTENWALD, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Isabella Recktenwald?

The Witness: Yes.

Mr. Collins: Will you spell your last name for the reporter, please?

The Witness: R-e-c-k-t-e-n-w-a-l-d.

Mr. Collins: Were you served with a subpoena, Miss Recktenwald, to appear before the examiner here today?

The Witness: Yes, sir.

Mr. Collins: On behalf of the witness, if the examiner please, I would like to claim her privilege under section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 522 South Utica Street, Waukegan, Illinois.

Q. A little louder, please.

1696 A. 522 South Utica, Waukegan.

- Q. How long were you employed by Fansteel?
A. About 2 years.
Q. What was your job?
A. Disk inspector in the Contact Department.
Q. When did you join the union?
A. In November of 1936.
Q. What was your hourly rate of pay?
A. 42 cents per hour.
Q. 40 hours per week?
A. Yes, sir.
Q. How much did that amount to per week?
A. \$16.80.
Q. How much money have you earned since February 26th, 1937?
A. None.
Q. None?
A. Nothing.
Q. When did you draw your last pay from the company?
A. On March 5th.
Q. I did not hear.
A. March 5th.
Q. Did you turn in your pass at that time?
A. Well, another girl got my check for me.
Q. I see.
A. Because I was out of town at the time; but nobody ever asked me for my pass.
Q. Have you been called to return to work?
A. Yes, sir.
Q. You refused to return to work?
A. Yes, sir.
Q. Unless the company met certain conditions; is that right?
A. Yes, sir.
Q. What are those conditions?
A. Recognition of the union.
Q. And to take back the people who are outside; is that right?
A. Yes, sir.
Q. At the time you worked there, did anybody find any fault with your work?
A. No, sir.
Q. Do you know whether they knew you were a member of the union?
A. I don't know.

Q. Did you take any part in the strike activities of the union?

A. No, I didn't.

Q. Did you help put any food into the plant?

A. No, sir.

Q. Did you go on the picket line, or anything?

A. No, sir; I didn't.

1698 Q. Who was your forelady?

A. Mary Atkinson.

Q. Is she the one who called you to return to work?

A. No, she isn't.

Q. Did she have someone else call you?

A. Well, Mr. Schultz had the office girl call me and ask me to come in and sign up, or make out a new application.

Q. When did that happen?

A. Oh, about 2 weeks after they started working there.

Q. That would be about 2 weeks after the 26th or 27th of February, would it?

A. About 2 weeks after the 26th or 27th of February; yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) Miss Recktenwald, you had been an employee of the Fansteel Company for some time prior to February 17th, 1937, had you not?

A. Yes, sir.

Q. And on that day you personally had no difficulty with the company, did you?

A. No.

Q. Nor its officers?

A. No.

Q. Or your forelady?

A. No, sir.

1699 Q. And you were engaged in the performance of your duties at the time you were ordered out of the building, were you?

A. Yes, sir.

Q. And you were ordered out of the building, I assume, by the same group whom some of these other ladies have already mentioned?

A. Yes, sir.

Q. That is, not by the management—

A. No.

Q. —but by some committee of the union?

A. Yes.

Q. That is a fact, is it not?

A. Yes, sir.

Q. Pardon me?

A. That is correct.

Q. That is the fact.

A. Yes.

Q. And thereupon you stopped work?

A. Yes, sir.

Q. And you left the building?

A. I did.

Q. And then you were told that as soon as you were needed, as soon as your services were needed, you would be notified to return?

A. No, nobody told me anything.

1700 Q. You were not told that?

A. No.

Q. I see. You are sure you were not told anything?

A. No, sir; I was just told to go home.

Q. I see.

A. So I did.

Q. And after February 27th, the forelady called you, did she?

A. No.

Q. Somebody else did?

A. It was somebody else.

Q. Well, let us shorten it up. You were requested to come back to work, were you not?

A. Yes, sir.

Q. Now, up to that time, you had not been discharged, had you?

A. No, sir; I hadn't.

Q. That is, no one in the plant, or your forelady, said, "Now, here, we won't need you any more; we won't need your services any more," or anything like that?

A. No, sir; nothing was said to me.

Q. You left because you were ordered out of the building by those men you have told us about?

A. Yes, sir; that is right.

Q. You never were discharged, were you?

1701 A. No, sir.

Q. And then when you were offered employment, you said, "I won't go back", did you not?

A. That is right.

Q. In effect, "except under certain conditions"?

A. Yes, sir.

Q. And you never did go back?

A. No, I didn't.

Q. And you would not have gone back unless certain conditions which you had in mind, and to which attention has been called, were complied with?

A. Yes.

Q. That is the fact, is it not?

A. Yes, sir.

Q. That tells the story?

A. Yes, sir.

Mr. Block: All right.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: Just a moment.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) I have just one or two questions I want to ask you. Do you know who the girl was, the office girl, who you say called you?

A. I think it was Miss Lane, but I am not sure.

Q. Do you know when it was she called you?

1702 Well, I think it was about 2 weeks after they started to work there.

Q. Do you know if she worked in Mr. Schultz's office?

A. I couldn't say.

Q. Did she say to you that Mr. Schultz had told her to call you?

A. Yes, sir.

Q. Did she say as to whether you would get the same job back, if you went back?

A. No, sir; she didn't. She just stated that I was to come down and make out a new application.

Q. Did she say that you would get the same job if you made out a new application?

A. No.

Q. Did you see this notice in the newspaper?

A. No, I didn't.

Mr. Block: May I ask another question right there, if the examiner please?

Trial Examiner Dudley: Yes.

Q. (By Mr. Block.) You never went down there to find out what was wanted of you, after that call, did you?

A. No, sir; I didn't.

Q. And you would not have gone back, even though they had offered you the same position, at the same amount of pay, the same employment that you had before, would you?

1703 A. No, sir; I wouldn't.

Q. That is true, is it not?

A. Yes, that is true.

Mr. Block: All right.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all; thank you very much.

(Witness excused.)

Mr. Walsh: I have no more girls to put on at this time.

Mr. Block: Are you through with that group?

Mr. Walsh: I have run out of girls.

Mr. Keele: Then let us put the others back on just briefly at this time.

Mr. Walsh: That is all right.

Mr. Keele: To keep the record straight.

Mr. Walsh: All right. You recall them.

Mr. Keele: Fern Gartley.

FERN GARTLEY, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Continued).

Q. (By Mr. Keele.) You are the same Fern Gartley who was sworn and testified here a few moments ago, are you not?

A. Yes, sir.

Q. Did you see the advertisement in the paper with reference to the offer of the company to reemploy?

1704 A. Yes, sir.

Q. (Continuing)—all employees returning before such and such a time, or in such and such a period?

A. Yes, sir.

Q. Or, rather, to pay them for their back time?

A. Yes.

810 *Witnesses for National Labor Relations Board.*

Q. If they came back to work?

A. Yes, sir.

Q. You talked with somebody about that, did you not?

A. I talked to the forelady.

Q. You understood that that was an offer to you by the company; did you not?

A. Yes, indeed. That is why I called up.

Q. For you to return?

A. Yes, sir.

Q. And to continue to draw your pay throughout that period, if you came back to work?

A. Yes, sir.

Q. But you did not go back to work, did you?

A. No, sir; I did not. She said that she had got somebody.

Q. So that, as a matter of fact, you never were discharged, were you?

A. No, I wasn't.

Mr. Keele: That is all.

Trial Examiner Dudley: Well, now, wait a moment.

1705 *Examination by Trial Examiner Dudley.*

Q. (By Trial Examiner Dudley.) As I remember it, Miss Gartley, you testified when you were on the stand before that when you saw the notice in the newspaper, you understood that was an offer.

A. Yes, sir.

Q. And you called your forelady?

A. Yes, sir.

Q. And she said that she had somebody else.

A. Yes.

Q. In your place.

A. Yes, sir.

Q. And then she did not want you to come back?

A. She said she would take me on later on.

Q. She said that she would take you on later on?

A. Yes, sir; but she never called.

Q. Did she say that she would let you know when she would take you on, later on?

A. No, sir; she didn't. She just said that she had somebody at the present time, and she would take me on later on.

Mr. Keele: May I ask another question, if the examiner please?

Q. (By Mr. Keele.) How long did you wait after you saw that advertisement in the newspaper, if at all?

A. It said that you were supposed to call them in-
1706 side of a week, I guess it was, and I waited until the last
day.

Q. You waited until the last day?

A. Yes, sir.

Q. Why did you wait until the last day?

A. I didn't know if I wanted to go back or not.

Q. You did not know whether you wanted to go back or
not?

A. No, sir.

Q. So that you do not know but what, if you had called
the first day of that week, you would have gotten your re-
employment, or continued your reemployment, is that not a
fact?

A. Well, I asked her, and she said that she had somebody
just then.

Q. Yes, but that was the last day?

A. Yes.

Q. That the offer was good?

A. Yes.

Q. When you asked her?

A. Yes, sir.

Q. The offer said on or before what date?

A. It gave about a week's time, I guess.

Q. But whatever it was, you waited until the very last
day, you say?

A. Yes, sir. Well, it was a couple of days. I guess it was,
before that, because it was supposed to be Saturday, I guess
it was, the last day; and I called about Thursday.

1707 Q. Well, which story is right?

A. Well, it was Thursday, that I called. I guess
Saturday was the last day.

Q. Then you did call on Thursday?

A. Yes.

Q. And not Saturday?

A. Yes.

Mr. Keele: All right.

Mr. Walsh: Just a moment.

Redirect Examination.

Q. (By Mr. Walsh.) They have never called you since that time, have they, Miss Gartley?

A. No, they have not.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all. Witness excused.
(Witness excused.)

Mr. Keele: Frances Fellens.

FRANCES FELLENS, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Continued).

Q. (By Mr. Keele.) You are the same Miss Fellens who was sworn here, and testified a little while ago, are you?

A. Yes, sir.

Q. Did you see that advertisement in the paper?

A. I knew it was there, but I didn't read it.

1708 Q. Oh, you heard about it?

A. Yes, sir.

Q. You understood it to mean that anyone who returned before a certain date, the date being specified in the advertisement, would receive his or her pay right on throughout the time that the plant was closed, did you not?

A. Yes, sir. That is the way I thought it was.

Q. I did not hear.

A. That is the way I thought it was.

Q. Yes. And you would continue right on working?

A. Yes, sir.

Q. Steadily?

A. Yes, sir.

Q. You did not ask them to reinstate you when you went back there and got that red card, did you?

A. No.

Q. And, as a matter of fact, you told Mr. Block a little while ago that you would not have gone back to work, did you not?

A. No, I wouldn't.

Q. You would not have, would you?

A. No.

Q. So that you were never discharged?

A. No.

Q. You did receive an offer from the company, 1709 through the newspaper, to continue your employment; is that not true?

A. I don't know whether that offer was directed to me, or not.

Q. It was directed to all of the employees, was it not?

A. I wouldn't say if it was all of the employees or not. I didn't read it.

Q. Well, that was your understanding of it, was it not?

A. I imagine that is what it meant.

Q. Well, that was your understanding, was it not?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down. Thank you. (Witness excused.)

Mr. Keele: Marguerite Seifert.

MARGUERITE SEIFERT, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Continued).

Q. (By Mr. Keele.) You are the same Marguerite Seifert who was sworn here, and testified a few moments ago, are you not?

A. Yes, sir.

Q. By the way, is it Miss, or Mrs.?

A. Miss.

Q. Miss Seifert.

1710 A. Yes, sir.

Q. Did you see that article, or that advertisement, in the newspaper, or did you hear about it?

A. I heard something about it, yes, sir; I heard different people talking about it; but I didn't read it.

Q. I see. But you understood that the company had offered to anyone who came back there by a certain time—

A. Well, I didn't know if it was meant for us or not, or who it was meant for.

Q. Well, what was there about the ad that you did not understand? It certainly was not meant for the employees of the Johns-Manville Company, was it?

A. Well, on the 17th, I think it was, Schultz called me up about 11 o'clock at night, and told me that they would call me back when they needed me.

Q. All right. And then subsequently thereto, after that time, this advertisement was run in the newspaper, was it not?

A. Well, I didn't read it.

Q. No, but you heard about it, did you not?

A. (No answer.)

Q. You heard about it?

A. Yes.

Q. And you had a discussion about it, did you not?

A. Well, I didn't know if it was—

Q. Answer my question "yes" or "no", please, Miss
1711 Seifert. There was a discussion about it, was there not?
You just told us that you heard about it.

A. (No answer.)

Q. How did you hear about it?

A. Oh, I heard different women in the neighborhood talking about it.

Q. Yes. And it was stated, was it not, that apparently that was an offer of the company, that anybody who came back before a certain time would receive his money for the period that they were out of the factory; that is true, is it not?

A. Well, not exactly; no, sir. I didn't hear that.

Q. Well, then, just tell us what you did hear.

A. Just that anybody that wanted to go back could go back.

Q. All right.

A. I don't recall anything about money.

Q. That anybody that wanted to go back could go back?

A. Yes.

Q. That was the substance of it—

A. Yes.

Q. —is that right?

A. Well,—

Q. Well, now, that is what you just told me, is it not?

A. Something to that effect.

Q. Yes. That is what they were talking about, isn't it?

A. Yes, that is what they were talking about.

1712 Q. All right. You understood that that meant that you and all the others could go back, did you not?

A. Well, but they didn't recognize the union, or anything.

Q. Just answer my question, please, and then you can make any speech that the examiner will permit you to make. But I would like to have a direct answer to my question.

Mr. Walsh: Well, now,—

Q. (By Mr. Keele.) You understood that that meant that if you wanted to go back, you could go back, did you not?

A. Well, I didn't.

Q. "Yes" or "no"?

A. No.

Q. You did not understand that?

A. No.

Q. All right. Then what did you understand by that offer?

A. Well, I thought it was for the outsiders, that did not join the union, because I was still waiting for that telephone call.

Q. Was it limited to outsiders?

A. (No answer.)

Q. Did it say, those outside the union? That was not the way you understood it, from the women who were talking about it, was it?

A. Well, they didn't say very much about it, but that is the way I thought it was.

1713 Q. In other words, you felt that you ought to get special attention?

A. As long as they called me, I thought that they would recall me back on the telephone.

Q. And the fact that it appeared in the newspaper, you did not think was sufficient?

A. Well, you can't believe everything that you see in the newspapers.

Q. Nor what you hear on the telephone; that is right, is it not?

A. Well, it was the factory called me.

Q. It was what?

A. It was from the factory.

Q. You need the factory to take care of you, then.

A. Sometimes.

Q. Sometimes.

A. Yes, sir.

Q. Well, now, let us get away from this funny-strip business, and see if we cannot develop some of the facts here.

What I want to know is this: you felt, even after you heard

about that advertisement that was in the paper, that was not sufficient; is that correct?

A. Well—

Q. (Continuing.) To warrant you in believing you could get your job back, or continue in it?

1714 A. They were not doing justice to the union.

Q. Well, then, you did not want to go back; is that correct?

A. If all of the rest of them were taken back, I would go back.

Q. And if they had called you on the telephone, and told you to come back, you would not have gone back,—

A. No.

Q. —without certain conditions being fulfilled; is that right?

A. Yes.

Q. You were never discharged, were you?

A. No.

Q. And you had a chance to go back?

A. Yes.

Q. You have heard that, have you not, through the newspaper—you heard it there, and from other people?

A. Through other people.

Q. But you did not want to go back without the company fulfilling certain conditions, did you?

A. No.

Q. Now, that is the fact, is it not?

A. Yes, sir.

Mr. Keele: All right.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: You are excused. Thank you.

1715 (Witness excused.)

Mr. Keele: Miss Luczo.

BESSIE LUCZO, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Cont'd).

Q. (By Mr. Keele.) You are the same Bessie Luczo who was sworn here, and testified a little while ago, are you not?

A. Yes, sir.

Q. Did you read that article, or that advertisement in the newspaper?

A. I don't recall.

Q. Well, I assume that you heard the discussion that has gone on here with the preceding witnesses—did you not?

A. I was here, yes, sir, but I wasn't paying very much attention to it.

Q. I see. Did you read an article in the paper with reference to the fact that the company would re-employ those, or would continue the employment of those who came back before a certain time?

A. No, I never read that.

Q. Did you hear about it?

A. Hear about it?

Q. Yes.

A. Not that I remember of.

1716 Q. You do not recall?

A. No, sir—do you mean, about getting back pay if they would go back to work?

Q. Something like that.

A. No.

Q. You did not even hear about that?

A. No, sir, not that I remember of.

Q. Well, you would not say that you did not read it, or hear of it, would you?

A. I can't remember if I did or not.

Q. You just do not remember?

A. No.

Q. You are sure that you did not make up your mind as to what your testimony would be, while you were sitting there listening, are you?

A. Yes, sir.

Q. You are sure of that?

A. Yes.

Q. You did not make any statement to anybody back there as to what you would say when you came back on the witness stand?

A. No, sir.

Q. You cannot remember, one way or the other?

A. No, sir. I didn't read that article.

Q. Well, did you hear any discussion about it?

A. No, sir.

1717 Q. Are you sure of that?

A. I am sure of that.

Q. If you had read that article, you would not have gone back to work, would you?

A. No.

Q. All right. You were never discharged, were you?

A. Not that I know of.

Q. Well, one usually learns of those things, don't you think?

A. No one said I was discharged.

Q. You just did not go back to work.

A. No. They said they would notify me.

Q. I see. And you heard nothing about it.

A. That is right.

Q. You still want to stand by that statement, that you heard nothing about this article in the paper, do you?

A. No, I didn't.

Q. And talked to no one about it.

A. No.

Mr. Keele: All right. That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down; thank you very much.

(Witness excused.)

Mr. Keele: Recall Miss Tilly Mesec for a moment.

1718 TILLIE MESEC, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Con't).

Q. (By Mr. Keele.) Miss Mesec, you are the same lady who was sworn here a few moments ago, and testified, are you not?

A. Yes, sir.

Q. I have forgotten now. Did Mr. Block examine you with reference to the article that appeared in the paper?

A. No, sir.

Q. Did you see that article that appeared in the newspaper?

A. Yes.

Q. Or that advertisement.

A. Yes, sir.

Q. What did it say?

A. Well—

Q. What was the substance of it?

A. About giving back wages.

Q. For everybody who came back?

A. Yes, sir.

Q. And applied—and for everybody who came to the factory to work before a certain date, as therein specified?

A. Yes, sir.

Q. You understood by that, that if you went back, you would receive wages for all of the time that you were out, did you not?

1719 A. Yes, sir.

Q. You were not discharged, were you?

A. No, sir.

Q. And you never have been discharged by the company, have you?

A. No, sir.

Q. In that advertisement, an offer as you understood it was made, to go back to work, was it not?

A. Yes.

Q. It was an offer from the company to you, to go back to work, was it not?

A. Yes.

Q. And you chose to do so?

A. Yes, sir.

Q. And receive your pay, right straight through?

A. Yes.

Q. But you did not want to do that, did you?

A. No.

Mr. Keele: All right.

Mr. Walsh: That is all.

(Witness excused.)

Mr. Walsh: Vivian Johnson. Will you swear this witness, if the Examiner please.

VIVIAN JOHNSON, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

-1720 Mr. Collins: Your name is Vivian Johnson?

The Witness: Yes, sir.

Mr. Collins: Have you been served with a subpoena, just a few moments ago, to appear here before the Examiner?

The Witness: Yes, sir.

Mr. Collins: If the Examiner please, on behalf of the witness I would like to claim her privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 316 North Butterick.

Q. Waukegan?

A. Yes, sir.

Q. How long have you been employed by Fansteel?

A. Two years.

Q. On what job?

A. Inspector.

Q. In the Contact Department?

A. Yes, sir.

Q. What was your hourly rate of pay?

A. 42 cents per hour.

Q. And you worked 40 hours per week?

A. Well, we mostly worked overtime.

Q. What was your average weekly pay?

1721 A. About \$17 or \$18 a week.

Q. \$17 or \$18?

A. Yes, sir. I don't know exactly, except we never worked the regular hours, you see.

Q. When did you draw your last pay?

A. March 5th.

Q. Did the company take up your pass at that time?

A. No, sir.

Q. Did you talk to anybody about returning to work?

A. No, sir, I didn't.

Q. When did you join the union?

A. Last November.

Q. 1936?

A. Yes, sir.

Q. Have you been offered re-employment by the company since it opened up again?

A. No, sir.

Q. How much money have you earned since February the 26th, 1937?

A. I just started working this week.

Q. How much are you earning per week now?

A. \$12 a week.

Q. What are you doing?

A. Stenographer.

Q. When you worked at the Fansteel Company, did you do any work on the outside for pay?

1722 A. No.

Q. During the time you were working there, did anybody with the company ever criticise you for the way in which you were doing your work?

A. No, sir; not right out.

Q. Not right out?

A. No.

Q. Who was your foreman, or forelady?

A. Mary Atkinson.

Q. Did Miss Atkinson know you were a member of the union?

A. I don't know whether she did or not.

Q. Did you ever talk to her about it?

A. No.

Q. Did you receive any raises while you worked with the company?

A. Yes, I had two raises.

Q. One of them I suppose was the general raise?

A. Yes.

Q. Which you got in November of last year?

- A. Yes, sir.
 Q. When did the other raise come about?
 A. Well, we got a raise—we get a raise after we have worked so long; then we get a three cent raise.
 Q. How much was the raise you had?
 A. Three cents, I believe.
 Q. How much?
 1723 A. Three cents.
 Q. Per hour?
 A. Yes, sir.
 Q. And the November raise which you received, was five cents per hour, was it not?
 A. Yes, sir.
 Q. Did you read the advertisement which appeared in the newspaper?
 A. No, but I heard about it.
 Q. When did you hear about it?
 A. The next day after it was printed.
 Q. Who told you about it?
 A. My girl friend.
 Q. Did you return to the company in response to that advertisement?
 A. No.
 Q. Did you feel that you would not go back unless the company complied with certain conditions?
 A. Yes, sir.
 Q. What were those conditions?
 A. For collective bargaining.
 Q. And they had to take everybody else back also; is that it?
 A. Yes, sir.
 Q. Do you know whether or not anybody is working
 1724 on your job at the present time, or not?
 A. Yes, I do.
 Q. Some other girl has your job at present, has she?
 A. Yes, sir.
 Mr. Walsh: You may inquire.

Cross-Examination.

- Q. (By Mr. Block.) Is it Miss Johnson?
 A. Yes, sir.
 Q. How long did you work at Fansteel?
 A. Two years.

Q. Two years?

A. Yes, sir.

Q. I take it you began there shortly after you finished school, did you?

A. Three months after.

Q. You finished school three months before you went to work for Fansteel; is that correct?

A. Yes, sir.

Q. And you worked for how long a period of time, up to February the 17th?

A. Well, some months we were laid off, and I don't know exactly how long it was.

Q. But what time have you been connected with Fansteel, including the time you were off?

A. Two years.

1725 Q. Were there many girls, or women, in your department?

A. Well—

Q. Let me ask you, which do you prefer that I call you: girls, or women?

A. Women.

Q. I want to get it right.

A. Women.

Q. How?

A. Women.

Q. Women. All right. We call the ladies both women and girls, and you would rather have us call you women.

A. Well, it makes no difference.

Q. All right. How many women were there in your department on February the 17th, 1937?

A. There were about 22, I imagine; around there—about 22.

Q. Were there always 22 there?

A. No.

Q. Or did the number change from time to time?

A. It changed.

Q. During that two-year period?

A. Yes, it changed.

Q. Sometimes it was less?

A. Yes, sir.

Q. And sometimes it would be more.

A. Yes, sir.

1726 Depending upon the work?

A. That is right.

Q. And you were laid off from time to time?

A. Yes.

Q. And then recalled; is that right?

A. Yes, sir.

Q. And so were others?

A. Yes, sir.

Q. In that department. That is the fact, is it not?

A. Yes, sir.

Q. All right. Now, on February the 17th, you had no trouble with anybody there, did you?

A. No, sir.

Q. But somebody ordered you out of the building, did they not?

A. Yes.

Q. Your group: was that in with these other women who have testified?

A. How is that again?

Q. Or I mean, your building: were you in the same building that Miss Mesec was in?

A. Building 3.

Q. How?

A. 3.

Q. Building 3.

A. Yes, sir, the Contact Department.

1727 Q. And there were at least two men came in there—

A. Yes.

Q. —and told the women to get out?

A. Yes, sir.

Q. And those were the men whom we have referred to here as men who were working for the company, and who were members of the same union you belonged to?

A. Yes.

Q. That is right, is it?

A. Yes, sir.

Q. And that is why you left?

A. Yes, sir.

Q. You had not had any trouble with the management?

A. No, sir.

Q. You were not fired, or discharged?

A. No.

Q. On that date, were you?

A. No.

Q. You just left because you were told to leave?

A. Yes.

Q. By those men who belonged to the union?

A. Yes, sir.

Q. That is the fact, is it not?

A. Yes, sir.

Q. So you left.

1728 A. Yes.

Q. And you did not come back.

A. No.

Q. You never made application for your job, did you?

A. No.

Q. You say you did not read the article in the newspaper.

A. No, I didn't.

Q. But you had heard about it; you had heard from others who had read the article, or the advertisement, that the company was perfectly willing to take you women back, and take the other employees back if they would report within a reasonable length of time, the date being fixed in the article?

A. Yes, sir.

Q. Before the date fixed by the article; that is right, is it not?

A. Yes, sir.

Q. But you did not pay any attention to that?

A. No, sir.

Q. In other words, you did not want to go back.

A. No.

Q. That is right, is it not?

A. That is right.

Q. (By Mr. Walsh.) You did not want to go back unless everybody else went back; is that it?

A. Yes, sir.

1729 Q. (By Mr. Block.) Now, you said something about—that you had found out that your job had been taken.

A. Yes.

Q. That somebody else had taken your job.

A. Yes, sir.

Q. You did not want to go back, to take that job, did you?

A. No, sir, not unless the rest went back.

Q. How?

A. Not unless the rest went back.

Q. Yes. I understand that you have attached some condition to it. You were not surprised of course, then, to find that your job had been filled by somebody else, were you?

A. No, of course not.

Mr. Block: That is all.

Mr. Walsh: Nothing more.

Q. (By Trial Examiner Dudley:) Just a moment, please. Is this position which you have now, a permanent position?

A. No, temporary.

Q. Do you know how long it will last?

A. Just this week.

Trial Examiner Dudley: That is all; thank you.

(Witness excused.)

Mr. Walsh: That concludes the testimony of all of the ladies I have present, if the Examiner please. Now I have one man from group 1, whom I would like to put on at this time.

1730 Trial Examiner Dudley: Group 1, you say?

Mr. Walsh: Yes. Mr. Luke.

ELMER LUKE, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Elmer Luke?

The Witness: Yes sir.

Mr. Collins: Have you been served with a subpoena—you spell your last name L-u-k-e?

The Witness: Yes, sir.

Mr. Collins: And you have been served with a subpoena to appear before the Examiner here this afternoon?

The Witness: Yes.

Mr. Collins: If the Examiner please, on behalf of the witness I wish to claim his privilege under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 711 Edward Street.

Q. How long were you employed by the Fansteel Company?

A. Since October 1st, 1936.

Q. What was your job?

A. I was a spinner in the Contact Department.

Q. When did you join the union?

A. In the first part of November.

1731 Q. 1936?

A. Yes.

Q. The plant did not operate between the 17th and the 26th of February, did it?

A. No, sir.

Q. When did you draw your last pay from the company?

A. Well, that was about the 7th or 8th of March.

Q. Did the company take up your pass at that time?

A. They asked me for it at that time, but I told them that I left it in the building, and he says that was all right, that he would get it. It was in my locker.

Q. Did you talk to anybody about going back to work?

A. Not that day; later on I did.

Q. And were you offered re-employment at a later date?

A. Yes, I was.

Q. By whom?

A. I don't know who it was. My dad told me. My dad works there, and he came home one day and told me that they could use me down there if I wanted to go back.

Q. Is your father an officer of the company?

A. No, he is not.

Mr. Keele: What was that?

A. No, he is not.

Q. (By Mr. Walsh.) What was your hourly rate of pay?

A. I started at 35 cents per hour.

1732 Q. What was your hourly rate of pay when the strike occurred down there?

A. 45 cents.

Q. How many hours per week did you work?

A. Oh, anywhere from 40 to 50.

Q. What was your average weekly pay?

A. About \$18.

Q. How much have you earned since February the 26th, 1937?

A. About \$125.

Q. What did you do to earn that?

A. I am working at the present time at the Johnson Motor Company.

Q. Normally, do you do any work on the outside for pay, when you are working for Fansteel?

A. No, sir—well, I sing in a quartette, and once in a while we go out and get a few dollars that way.

Q. You sing tenor, do you?

A. Baritone.

Mr. Block: What is it?

A. Baritone.

Q. (By Mr. Walsh.) Were you one of the men who occupied the buildings in the plant between February the 17th and February the 26th?

A. Yes, sir.

Q. You were one of the respondents in the contempt 1733 case, were you?

A. Yes, sir.

Q. And one of the defendants in the injunction proceeding?

A. Yes.

Q. Now, when the trouble occurred there on the 17th of February, the management did not tell you to stop work, did it?

A. No.

Q. The stoppage of work was caused by the men taking over the buildings; is that right?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) Mr. Luke, how old are you?

A. 19.

Q. 19 years of age.

A. Yes, sir.

Q. When did you first go to work?

A. On October 1, 1936.

Q. That was the first job you had?

A. Yes, sir, that was the first job I had since I got out of school.

Q. That is what I mean.

A. Yes.

Q. That was your first job since you had gotten out of school.

A. Yes, sir.

1734 Q. The very first employment that you had, was that which was tendered to you, or given to you by the Fansteel Company?

A. Yes.

Q. And that was in October of 1936?

A. Yes, sir.

Q. When did you join the union?

A. The first part of November.

Q. That is, the following month.

A. Yes, sir.

Q. After you started to work.

A. Yes, sir.

Q. And you were getting what pay, when you started?

A. 35 cents per hour.

Q. That was in November, 1936?

A. Yes, sir.

Q. Is that right?

A. Right.

Q. What were you doing, by the way?

A. I was spinning.

Q. Spinning?

A. Spinning contact points on the springs.

Q. You never had done work of that kind before, had you?

A. No, sir.

Q. You had had no experience along that line?

A. No, sir.

1735 Q. Did you discuss the question of your membership in the union with anybody in the company?

A. No.

Q. That is, I mean, with any of the officers of the company, your foreman, or anybody else.

A. No, sir.

Q. Did you with your father?

A. I did with my father, yes, sir. He says, "It is up to you. If you want to joint, why, it is up to you." He didn't know whether he was going to join, at that time, or not.

Q. But you did discuss it with your father?

A. Yes, sir.

Q. That is right is it?

A. That is right.

Q. And from November until February the 17th, 1937, nobody connected with the company found fault with you in any way, did they?

A. Well, not that I know of; anyway, they didn't tell me about it.

Q. That is what I mean.

A. No, sir.

Q. And you remained in their employ?

A. Yes, sir.

Q. Your wages were not decreased?

A. No.

1736 Q. Did you receive some raises, while you were working for the company?

A. Well, yes, they gave us a general raise in November some time, but I wasn't there long enough to receive that.

Q. Did you participate in that?

A. No, sir. I wasn't there long enough. I was about a week short of the required number of days, to get that raise, so I didn't get it.

Q. But anyway, your pay had not been reduced.

A. No, sir.

Q. Up to February.

A. That is right.

Q. And you were getting along all right there, were you?

A. Yes, sir, as far as I know.

Q. Yes, as far as you know.

A. I was.

Q. And then on February the 17th, when the men took over the buildings, what did you do?

A. I stayed right there with them.

Q. You stayed right there with the other men.

A. Yes, sir.

Q. Which building were you in?

A. Building 3.

Q. And you stayed in there all of that time, did you?

A. Yes, sir.

1737 Q. You were there on the evening of February 17th, 1937, were you?

A. Yes, sir.

Q. You were there when the sheriff came out there?

A. Yes, sir.

Q. The first time.

A. Yes.

Q. And you were there when the sheriff came out the second time, were you?

A. Yes, sir.

Q. You never did leave that building?

A. Not until the last time.

Q. Until all of them left.

A. That is right.

Q. On February the 26th.

A. Right.

Q. And after February 26th, you never went back, did you?

A. Yes.

Q. And applied for your job?

A. Yes, I did.

Q. You did?

A. Yes, sir.

Q. When?

A. A couple of weeks later, I went back.

Q. You went back where?

1738 A. To Fansteel.

Q. I see. Well, did you go back to apply for your job, or did you go back, to work?

A. I went back and had a talk with Mr. Anselm, and he said he would call me when he needed me.

Q. He did not say that he would not take you back because of what you had done, did he?

A. No, sir, he didn't. He shook hands and he said, "All is forgiven."

Q. All right. That was a kindly act, was it not?

A. He said, "Let's be friends."

Q. How is that?

A. He said, "Let's be friends."

Q. I see. And I say, that was a kindly act, in view of the fact that you had occupied that building since February the 17th, was it not?

A. Yes, sir.

Q. How?

A. Yes, sir, it was.

Q. Well, now, that conversation that you had with Mr. Anselm, was when?

A. Oh, I don't know.

Q. Approximately.

A. Well, it was a week or so—in fact, about two weeks perhaps after Fansteel was operating again.

1739 Q. How did you happen to be there? Were you called there, or did you go back yourself?

A. I went back myself.

Q. Well, by that time a good many people had returned to work had they not?

A. Yes, sir.

Q. When you came there, it was two weeks after the plant had reopened?

A. Well, it was the day following—it was after the paper came out, with that notice that appeared in the paper.

Q. Yes?

A. I called up Luther Henry on the final day, which was

Friday, and he told me to come back the next morning and see Mr. Anselm, and I could have my job back; and that was the day I went down there.

Q. So that when you went down there, you did not have any conditions attached to your proposed employment, did you?

A. No, sir.

Q. You were ready to go back at any time they wanted you; is that right?

A. I was at that time, yes, sir.

Q. But up to that time you had only worked for the company approximately what; two or three months?

A. Five months.

Q. How?

1740 A. Five.

Q. Five months.

A. Yes, sir.

Mr. Block: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) Mr. Luke, does your father belong to the union?

A. He did, yes.

Q. Does he now?

A. No, sir.

Q. What is his first name?

A. Gustave.

Q. Is he working now?

A. Yes, sir.

Q. At Fansteel?

A. Yes, sir.

Q. When did he go back?

A. As soon as they opened up again.

Q. What kind of a job does he have there?

A. He has charge of the gas house.

Q. Of the what?

A. Of the gas house.

Q. How long has he been with the company?

1741 A. He has been there 19 years.

Mr. Block: I did not get that.

Q. (By Mr. Block.) You say that your father is now back?

A. Yes, sir.

Q. Working at Fansteel?

A. Yes, sir.

Q. I do not know whether Mr. Walsh asked you this question or not, but were you one of the defendants in the injunction proceeding?

A. Yes.

Mr. Walsh: Yes, I asked him that.

Mr. Block: You did ask that?

Mr. Walsh: Yes.

Mr. Block: What was the answer?

Mr. Walsh: He said he was.

Mr. Block: He was?

Mr. Walsh: Yes.

Mr. Block: All right. That is all.

Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Walsh: At this time, if the Examiner please, we will progress into group 4, commonly known as the "Art Holm group", there being two persons in that group. Before we proceed with the next witness, may I suggest a short recess at this time?

1742 Trial Examiner Dudley: I will declare a brief recess at this time.

(A short recess was taken.)

Trial Examiner Dudley: The hearing will reconvene.

Mr. Walsh: Art Holm, Senior.

Mr. Keele: Just a moment. Might we recall Elmer Luke at this time for just a few further questions on cross?

Trial Examiner Dudley: Come back again, Mr. Luke.

ELMER LUKE, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Cross-Examination (Continued).

Q. (By Mr. Keele.) Mr. Luke, you were sworn and testified a few moments ago here in this case.

A. Yes.

Q. You testified as I recall it that you are now working for the Johnson Motor Company.

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A. Yes, sir.

Q. Here in Waukegan.

A. Yes.

Q. What is the nature of that employment? Is that permanent employment so far as you know?

A. Well, I don't know. He said it would only be for a couple of months. It is mostly seasonal work down there.

Q. I see. So your best information is that your job 1743 is only for a couple of months?

A. As far as I know.

Mr. Keele: That is all.

Mr. Walsh: That is all.

(Witness excused.)

Mr. Walsh: Art Holm, Senior. This witness has already testified, if the Examiner please.

Trial Examiner Dudley: You have already been sworn.

Mr. Holm: Yes, sir.

ART HOLM, SR., recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Holm, did I ask you the other day when you were on the stand here, what wages you drew; what was your pay.

A. No, I don't believe you did.

Q. You were a foreman, were you not?

A. Yes.

Q. Your pay was \$215, was it not?

A. Well, for the last year or so.

Q. How is that?

A. The last year, it was.

Q. During the period of your duties there at Fansteel, were you ever criticised for the conduct of your work? 1744

A. Not to my knowledge.

Q. When did you draw your last pay from the company?

A. Around the first week in March, I believe it was.

Q. Was that mailed out to you, or did you go to the plant to get it?

A. I went to the plant and got it.

Q. Did you talk to anybody there about your discharge?

A. No, I didn't.

Q. I believe you testified that you were discharged on the 25th of February.

A. Yes—well, that is—

Q. That is when you got the letter.

A. The letter was mailed on the 25th.

Q. Yes.

A. And I received it on the 26th.

Q. You received it on the 26th.

A. Yes, sir.

Q. How much have you earned since you were let out down there?

A. Around \$80.

Q. What did you do to earn that?

A. Well, I was a city official here in Waukegan.

Q. Is that normal—did you normally earn any money outside, during the time you worked for Fansteel?

A. The last two years, up to the 1st of May, I drew \$8 a week as an alderman.

1745 Q. Are you an alderman at the present time?

A. No, sir, I am not. I got licked May 1st.

Q. I see.

Trial Examiner Dudley: You drew \$8 per week for how long?

The Witness: For the last two years, your Honor, up to the 1st of May, I drew that.

Q. (By Mr. Walsh.) The \$80 you drew was just for temporary work, working for the city?

A. We had a meeting—we held every Monday night of the year, a meeting in the council room.

Q. Well, since February the 26th, 1937, you have earned \$80; am I right?

A. Yes, sir; that is for March and April.

Q. For March and April.

A. Yes, sir. I was paid up to the 1st of March.

Q. I see. But since the 1st of May, you have not had that job, have you?

A. No, sir.

Q. All right.

A. Not since May 1st.

Mr. Walsh: You may inquire.

Mr. Keele: Have you finished on direct?

Mr. Walsh: Yes.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Holm, you were foreman 1746 of the Maintenance Department, were you not?

A. I was.

Q. Do you recall one job that was given to you with reference to the repairing of a skylight, and that in connection therewith Mr. Anselm spoke to you a number of times about getting it done,—in building 6.

A. Why, yes, I remember that job.

Q. As a matter of fact, that job never was done, was it, while you were there?

A. No, and I think I ordered about four batches of material for that job, but it never got done.

Q. Now, then, do you remember a job in connection with a guard rail on a stairway, that you were ordered to have your outfit fix up, and that Mr. Anselm spoke to you several times about getting that done?

A. Well—

Trial Examiner Dudley: Pardon me a moment. May I have that question again please, Mr. Reporter.

(The question was read.)

Q. (By Mr. Keele.) What is your answer?

A. Can I explain, and answer that question the way I want to answer it?

Q. Well, will you just tell us first whether you remember that incident, or not.

A. I remember one railing.

1747 Q. All right. Well, he had to speak—he did speak to you about that several times, did he not?

A. Why, I think that—I don't think he ever spoke to me about it, no, sir.

Q. Then he never spoke to you; that is your best judgment, is it?

A. Not him, no. The reason I didn't do that job was because—

Mr. Keele: Just a moment.

Trial Examiner Dudley: Just answer the question.

Mr. Keele: We will give you a chance after a while.

The Witness: It wasn't in my line.

Q. (By Mr. Keele.) Now, do you remember a job in the die-polishing department, that Mr. Anselm spoke to you about doing?

A. Die-polishing?

Q. Yes.

A. What do you mean?

Q. Well, I mean a job that had to do with insulation; the insulation and making water proof of a certain portion there in the die department.

A. Why, yes, we were working on that, and it was nine-tenths complete.

Q. Mr. Anselm spoke to you about that, and asked you to get that done three different times, did he not?

A. Why, he might have asked me five or six different times, but when a rush job came along, we didn't bother
1748 with those jobs at all. When the machinery broke down, we would let them stand. There are jobs down there now that we were supposed to do—

Q. That you did not get done?

A. Of course not. They were just repair jobs.

Mr. Keele: That is all.

Redirect Examination.

Q. (By Mr. Walsh.) Mr. Holm, what about this skylight job?

A. Well, it is an old building; it is part of—it is a building that they have been talking about tearing down for the last five years; and the only reason that we could not take the skylight off was on account of its being old and rotten around there.

I suggested myself that we take the skylight off and patch the roof up, because we didn't need the light any more. It was no rush job.

Q. No what?

A. It was no rush job, and we would do it when we had the time, and that was all.

Q. There was nothing imperative about the skylight being repaired at once, was there?

A. Why no.

Q. Was the building being used?

A. The building, most of the time—years ago it was used for production, but in the last year it really was a dead
1749 building. There is a stock room in part of it, and that roof was patched up. But the west end of the building was just a piece of junk. They even had the price on a brand-new building down there; so that there was no hurry; it was no rush work.

Q. Was the part of the building over which this skylight extended, occupied?

A. Well, in the last few months before the strike, which was in February, we patched it up, and I made a carpenter shop out of one part of it; and this part here had an experimental machine, and we moved a few machines down there; but there was nothing underneath that roof that could be hurt if it rained all day long. It was just plain cement.

Q. Now, tell us about the guard rail.

A. Well, that building is made out of—

Q. Will you first tell us what building the guard rail in question was in.

A. I think the guard rail that he has reference to was in building No. 3. That is a concrete reinforced building, and it has steel hand-rails; and at the time of construction, instead of putting a band around the post, like it ought to be done, they just stuck the pipe in the side of the post, and bedded it in with about a half an inch of concrete.

Q. Yes.

A. Now, that has been loose on that post I think for 14 years; off and on, it has been hanging there. It was no 1750 emergency at all, and when he asked me to fix it, we were busy.

Q. Busy with other emergency matters around the factory?

A. Yes, sir. I asked him if I couldn't get the welder to weld a piece of metal around the post, or around the pipe, to make it stay. The rail is in; the welder put it in. It isn't broke now. I seen that it was fixed.

Q. It was fixed?

A. Yes, sir; it is all fixed.

Q. Was it fixed before February 17th?

A. I have no welder in my gang at all; that is a separate gang.

Q. Are there welders in the factory?

A. Oh, yes, there are two or three of them.

Q. Now, how about the job in the die-polishing department, which as I understand it was an insulating job.

A. Well, that is a little shanty that has been in that same building—in building 6. Years ago, when they had a machine shop there, they used it for a stock room. Well, we enlarged it, and put a little dog-house, you might call it, on top; and it has stood that way for quite a few years.

Q. How many years?

A. Well, I should judge it must be five years old.

Q. Yes.

A. (Continuing) But we couldn't get it heated up properly, and they have women working in there, and they 1751 would kick, because it was cold. When they would have a cold northeast wind, of course, it would blow through there, because it was poor construction all the way through, just a shack. So we decided to put some plasterboard on there, and fix it up; and that job was nine-tenths complete, practically, when we quit. It had nothing to do with holding up production at all. We did that while production was going on.

Q. And at the time the trouble broke out, you say that was almost finished; is that correct?

A. At the time of the trouble, that was nine-tenths finished, yes, sir.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment, Mr. Holm; there are a few questions I would like to ask you.

The Witness: Yes, sir.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) You were foreman of what department?

A. Maintenance Department.

Q. How many men did you have under you?

A. Well, that varied from—it all depended on whether—well, 15 years ago I had maybe as high as 30.

Q. How many men did you have under you during January and February of this year?

A. Around 11 men, I believe.

1752 Q. What kind of men were they, as far as their trades were concerned?

A. Their trades?

Q. Yes.

A. Every man I had was an expert in his line.

Q. What were their lines?

A. Carpenters, millwrights, steam-fitters, electricians, machine oilers; and the rest of them were helpers, of course.

Q. You had one carpenter?

A. Well, we used four men at that—it would all depend on how big a job was. We really had, I should say, two carpenters and two millwrights.

Q. How many steamfitters?

A. Well, sometimes I had two steamfitters, and two helpers.

Q. Do you mean that the number of men under you varied from time to time?

A. Oh, yes. If we had new work, why, sometimes—sometimes we put in a lot of new equipment. You see, they have changed that—

Q. No, I am speaking now of January and February of this year.

A. We were busy at that time.

Q. Well, did the number of men under you vary at that time?

A. No, sir, they haven't varied.

Q. At that time, then, you had two carpenters and two millwrights?

1753 A. Well, sometimes—let me see. All of my carpenters and millwrights were really in one. That is if a big job came along, you could call them all millwrights, working on machinery, and if they were working on a building, they were carpenters. Each trade carries the same card. That is, an outside man carries the same—

Q. Well, you have four carpenters and millwrights together?

A. Yes, I had four of them together.

Q. How many steamfitters?

A. Two steamfitters.

Q. How many electricians?

A. Two electricians.

Q. How many machine oilers?

A. One.

Q. That makes nine men.

A. Yes.

Q. And two helpers.

A. Two helpers.

Q. Those were the eleven men under you.

A. Yes, sir.

Q. When were you made foreman?

A. I think it was in 1920.

Q. Did they tell you what your job was at that time?

A. Yes.

Q. Or what your responsibilities were?

1754 A. Yes, sir, he told me; he told me what he wanted. He wanted a foreman to run it. I was working there at the time.

Q. In the Maintenance Department?

A. Yes, sir.

Q. Did he merely say at that time that you were to run the Maintenance Department from then on?

A. He asked me if I wanted the job, and he offered it to me. I didn't ask for it.

Q. And you took it?

A. I took it.

1755 Q. During the last six months, or year, who has been your immediate superior there?

A. Well, the last two weeks, Mr. Anselm was; but before that time it was Luther Henry.

Q. Have you had frequent disputes with Mr. Anselm?

A. I never had an argument with him in my life.

Q. You testified before, I believe, that Mr. Anselm came back to work when you were on your vacation?

A. Yes.

Q. That is correct, is it?

A. That is right.

Q. And you had a conversation with him the first day you got back from your vacation?

A. Oh, yes.

Q. That was last fall?

A. That was two weeks after Labor Day, but we didn't have any argument.

Q. You never had any argument with Mr. Anselm?

A. No.

Q. Have you had arguments with Mr. Henry since last fall?

A. No, sir, I don't believe I ever had an argument with him, either; that is not insofar as any work was concerned. We might have had an argument about something else, some outside matter, but not in the line of work. I done as they told me. They didn't have to argue with me.

1756 Q. On these jobs that they have reference to, when the gang isn't busy, we go ahead and do these jobs. They are jobs down there now that are five years old, that aren't done yet.

Q. Now, when did they first speak to you about the skylight that has been referred to?

A. Well now, I think that goes back—let me see. That is at least a year and a half ago.

Q. Who spoke to you then?

A. Luther Henry.

Q. Did he ask you at that time, or instruct you at that time to have it fixed?

A. Well, the way it came up, we were going to get the roof fixed, and I asked him if I couldn't tear the old glass off—you see, it was an old glass skylight—and patch it up; and he thought that was a good idea, because it wasn't necessary to do anything to the roof. The roof was perfect. But there wasn't much pitch to the roof, and the snow would melt and get in there, and kind of make it moist on the floor. But it was no rush job, as we call them. We have other rush jobs.

Q. Did he speak to you about it after that?

A. Well, yes, sir, he used to ask me every once in a while, when was I going to get at it.

Q. Did he ever tell you that he wanted it done by a certain time?

A. He never did.

1757 Q. Did Mr. Anselm speak to you frequently about it?

A. The only time he ever talked to me about it was when a machine stood underneath that part of the roof. You see, we put—in the last few months we put in some old equipment, around there, and of course we ought to have got it fixed before fall. At the time, the building was practically empty; there was nothing in it.

Q. By "fall" do you mean the fall of 1936, or the fall of 1937?

A. I mean the fall of 1936. We wanted to get into the thing before winter, because after it got cold weather, why we couldn't open the building up on account of the heat. We would have had to open up the roof, about 10 by 80 feet, I think it was.

Q. Now, when was it you talked with him about that?

A. Well, I do not know what date it was. I do not think I talked to Mr. Anselm about it at all. If I did, it was just a comment, as to when we were going to get it fixed. There was no set time about it.

Q. As far as you remember, you never talked to Mr. Anselm about the skylight at all?

A. Not specially, no, sir. We would just maybe happen to be standing underneath there, and if it was raining, why, there would be a few little drops of water coming down, and he might have made the remark to me, "We had better
1758 get that on before fall."

Q. Was it Mr. Henry with whom you were talking, who said that it ought to be fixed by the fall of 1936?

A. Why, nobody said it should be fixed by the fall of 1936, no, sir, only that we wanted to get it in before winter. That happened in the summer, a year ago.

Q. I thought you said just a moment ago that you were going to move a machine in there, in the fall of 1936—

A. No; we just moved a machine in there—

Q. —and had to fix it before that.

A. We had just moved a machine in there this last summer.

Q. In the summer of 1936?

A. Yes, sir. We had it there in the early summer.

Q. Was that the machine that needed protection?

A. Well, it didn't need protection right there, but it was in that building—in case they wanted to store anything there. The skylight wasn't over the machine. The skylight was over another part of the room.

Q. Did either Mr. Henry or Mr. Anselm ever give you a date by which they wanted the skylight fixed?

A. No, they never did.

Q. Did either of them ever tell you they wanted it fixed right away?

A. Why, no. It would have been fixed, if they had.

Q. Did either of them ever tell you that they 1759 thought you were delaying too long on the skylight job?

A. No, sir.

Q. And that they would like to have you get after it right away?

A. No, sir, they never said anything like that about it.

Q. Has the job been fixed yet, as far as you know?

A. Why, I don't know. It wouldn't take only one day to do the job; four men could do it in one day.

Q. Now, in regard to the railing of the stairway; you say that was finally fixed by a welder?

A. Yes, sir.

Q. Who spoke to you about that?

A. Well, they have a factory inspector who comes through there and makes notes of different little things that they see, that ought to be fixed, like safety appliances, and one thing and another, and it was on the regular monthly inspection report, and it was supposed to be fixed before he came around again, or every time he makes the same report about it.

Q. For what month was the report on which this was noted?

A. I think it was—well, it might have been pretty near—well, it might have been a year ago this time. I couldn't say unless I look at the report. I have it down there on the desk.

Q. If it was about one year ago from now, it would 1760 be about June 1936, would it?

A. Yes, sir, I think so. That is just an approximation, though. I don't know the date.

Q. And you say that is fixed now?

A. Yes, sir; that is the railing that we referred to. That is fixed now.

Q. But you did not fix it?

A. No, sir. We just patched it up so that it wouldn't fall down, because there was no emergency to it at all. It was just a little pipe that fell out of the post.

Q. Is it the patching-up to which you refer as being fixed by the welder?

A. Well, you see, there was no way to repair it, because it was buried in the cement, to start with. They just put it in—they just buried it in there about half an inch, and then when it worked out—it wouldn't stay in. You see, there was nothing to hold it in there. So I suggested taking a metal band, and putting it all the way around the concrete post, and welding the pipe at the top. The railing lays against the floor going down, so there was no way for you to fall down, unless you went and crawled into a space about three or four feet high. It wasn't a dangerous open railing. You see, the floor runs along on the same angle.

Q. Well, did they do the job as you suggested it be done—

A. Oh, yes.

1761 Q. —by a welder?

A. It was done by a welder.

Q. From another department?

A. Yes, sir.

Q. To whom did you make that suggestion?

A. Well, I believe I suggested that to—I believe I suggested that to Mr. Anselm, when he first came back.

Q. In September, 1936?

A. Yes.

Q. Did he have a welder fix it, or did he speak to the man who was in charge of the welding department?

A. I didn't have charge of the welders. He called up the machine boss, and showed him what he wanted.

Q. Mr. Anselm called the machine boss, did he?

A. Well, I am not sure whether it was him—either him or Luther Henry. You see, they were both around there.

Q. Do you know when it was fixed?

A. No, I don't know what date it was.

Q. About when was it?

A. Well, it would be pretty hard to tell any date, because—

Q. Before the strike?

A. Oh, yes, it was done before the strike.

Q. Was it as early as September, 1936, would you say?

A. I should judge—well now, by George, it must have been the first part of September, although I am not positive about that; but I know it was done, because I showed it to him.

Q. And after it was fixed by the welder, did the item appear again on the monthly report of the inspector?

A. No, sir, I never seen it on there any more. When we finish a job like that, we check it off, and that was off the list. We used to have 20 or 30 of them sometimes, years ago.

Q. Now, I want to ask you about the job in the die polishing department. With whom, and when, did you have your first conversation about fixing the shanty, do you remember?

A. Well, they have been talking about fixing that die room I think for four years.

Q. Did anybody give you instructions to fix it?

A. Well, yes; oh, yes.

Q. When?

A. I had orders to fix it.

Q. When?

A. That might have been—well now, I think that was a year ago last fall, as I recall it.

Q. That is the fall of 1935?

A. I believe it was.

Q. Who gave you the instructions?

A. I believe it was first taken up—

Q. Who was your superior at that time?

A. I am just wondering now if Mr. Dow wasn't the man, at that time. Mr. Al Dow was superintendent before, I think.

Q. Did he tell you when he wanted the work done?

A. Oh, no, he didn't; not any particular time. There never was any particular time fixed. On those kind of jobs, there is never any time limit set on them. They were there, and

when we got the time we would go around and fix them up, because they didn't hold up production at all. They were just simply ordinary affairs.

Q. Did either Mr. Dow or Mr. Henry, or Mr. Anselm, ever tell you that they wanted that job finished up by a certain date?

A. No, sir, they never did.

Q. Did they ever tell you, any of the three of them, that they were dissatisfied with the speed at which you were finishing that job?

A. No.

Q. And that they wanted you to hurry it up?

A. No, sir, they didn't. They couldn't say that, because they knew I was busy on something else.

Trial Examiner Dudley: That is all I have. Are there any further questions of the witness?

Mr. Keele: Nothing more.

Mr. Walsh: That is all. Let us have Jack Taylor. This witness has not been sworn, if the Examiner please.

Trial Examiner Dudley: Oh, I beg your pardon. 1764 There are a few more questions that I would like to ask you, Mr. Holm.

Q. (By Trial Examiner Dudley.) You testified that you were made foreman in 1920; is that correct?

A. Yes, sir—well, I wouldn't exactly say definitely that it was in 1920. I know I was foreman in 1920.

Q. And before that time you worked in the Maintenance Department?

A. Yes, sir.

Q. What did you do then?

A. Well, I was a millwright; I was hired on at that time as a millwright.

Q. How long had you worked as a millwright?

A. I have worked as a millwright for 35 years.

Q. That includes service with other companies?

A. Oh, yes.

Q. But how long had you worked as a millwright for Fansteel?

A. Oh, that is pretty hard to say, but I think perhaps pretty nearly one year, when I got the job. I don't know exactly. It was the year—or maybe six months. I don't recall.

Q. How much did you get paid as a millwright by Fansteel?

A. When I was working by the hour down there, I made as high as \$3900 per year.

Q. How much per hour?

A. Well, it was 70 cents per hour, but of course we put in a lot of overtime, and that was all the union scale. At that time we had the regular union scale.

Q. But you were getting 70 cents per hour—

A. Yes, sir.

Q. —as your regular pay, during regular hours?

A. Yes, sir.

Q. As a millwright, that is.

A. Yes, sir.

Q. That was a 40 hour week. was it?

A. Oh, no. Sometimes it was a 100 hour week. We worked night and day at that time.

Q. But the 40 hour week was the regular week, was it?

A. Oh, the 40 hour week we have only had down there in the last couple of years.

Q. Did you have any regular time for a full week's work at that time?

A. Well, at that time we worked ten hours per day, if I am not mistaken, for a while—that is regular time; but of course we worked Saturdays, and Sundays, and every other day. We worked when other people went home.

Q. How much does a millwright get now at the Fansteel Company?

A. Well, right now there are not any of them getting very much, I think, that are in the gang there. They were cut down during the depression.

1766 Q. How much did the two millwrights who worked in the Maintenance Department, make per hour during the month of February 1937, before the strike?

A. Some got 90 cents, and some got 80 cents.

Q. Well, you said there were only two.

The Witness: Can I ask my man here what he was getting, what his rate was at that time,—sitting right here?

Trial Examiner Dudley: Surely.

The Witness: Carl, what were you getting per hour at that time?

Mr. Swanson: 95 cents.

The Witness: 95 cents. They were raised. Frankly, I am not sure what they did get. I was trying to get back up some of the wages, where they would be getting more money. They had been cut down pretty bad.

Trial Examiner Dudley: All right. I think that gives me what I want.

The Witness: You see what I mean, Mr. Examiner. I was trying to get raises for them. So when they told you they didn't know what they were getting, they were telling the absolute truth.

Trial Examiner Dudley: I think I have the entire picture now. Are there any further questions of the witness?

Mr. Keele: Yes, just a few further questions, if you please.

1767

Recross Examination.

Q. (By Mr. Keele.) Now, Mr. Holm, let us see. There were three jobs that I asked you about, I think; the skylight, the guard rail, and the die-polishing department.

A. Yes.

Q. Now, you were told to fix that skylight after you brought it to Mr. Anselm's attention, were you not? He told you to go ahead and do it.

A. I was told to fix that skylight, I think, before Mr. Anselm came back.

Q. I see. Well, when were you told to fix it?

A. Why, I don't know as anybody told me to fix it, to start with. I asked if I could fix it that way.

Q. Well, then, they said yes or no, did they not?

A. They said I could fix it if I got time. It wasn't nothing emergency.

Q. You are sure that they told you you could fix it whenever you got time?

A. Sure. It was no emergency job.

Q. Was there not a written order out on that?

A. If there was, it come in the last—why, I used to get a written order about twice a month, but there was a whole lot of jobs we had to do—

Q. Did the written order say you were to fix it whenever you had the time to do those things?

1768 A. It generally said which were emergency, and which were not.

Q. And it did not say "whenever you have the time", did it?

A. "When you get around to it."

Q. That was the way it was worded, "Whenever you get around to it"?

A. The building was complete; there was nothing wrong with it—

Q. Now, just a moment, Mr. Holm. Let us avoid the speeches if we can, and just answer the question. When was it you were told to fix that skylight?

A. Well, go down and look on the hook, and it will be marked on there. My memory don't go back that far.

Q. I see. You just brought out, though, that there was some discussion about it.

A. Yes.

Q. And that was before Mr. Anselm came back; is that right?

A. Yes.

Q. And when you left, it had not been done, had it?

A. Of course not.

Q. All right. Now then, what happened to the guard rail? That was in June, that the inspector made his report, was it not?

A. I don't know what date it was.

Q. Did you not testify to that just a little while ago?

1769 A. I told him I thought it was about that time.

Q. Yes. And when was that fixed?

A. Well—

Q. Not while you were there?

A. Oh, yes, it was.

Q. All right. When was it?

A. Well, now, if you go down and look at that hook—

Q. Never mind about my going down and looking at the hook. Answer the question.

A. Well, my memory don't go that far back, on such and such a date, because it didn't amount to a tinker's dam. It was a ten cent job.

Q. In your opinion?

A. What?

Q. In your opinion.

A. In anybody's opinion. Go down and look at it.

Q. The inspector wrote a letter about it, did he not?

A. How?

Q. The inspector made a report about it.

A. Why, sure.

Q. Yes.

A. Do you know what an inspector is?

Q. Let us not have any more speeches. Just answer the questions.

A. Well, I can answer questions in my own way, can't I?

1770 Q. When was that fixed, do you recall?

A. Why—

Q. Yes or no.

A. It was fixed in 1936, in the year 1936.

Q. Now, we are getting somewhere.

A. O. K.

Q. That was fixed in the latter part of the year, was it not?

A. Well, it was after the—yes, I think it was in the latter part of the year, I will say.

Q. Now, was it fixed in the last quarter of the year, or the first quarter of the year?

A. Well now, if you will just give me the time, I will go down there and tell you exactly when it was fixed, because it is marked right on the record, when it was fixed. They have got that right in the office.

Mr. Walsh: We object to further questions along this line, if the Examiner please.

Mr. Keele: Well, I do not want to overtax this man's mind—

Mr. Walsh: Let the respondent produce the record, if there is any record on that point.

Mr. Keele: We will.

Mr. Walsh: All right, then; let the record be produced.

Mr. Keele: We are entitled—

1771 Mr. Walsh: The witness has stated that he does not remember.

Trial Examiner Dudley: He told me—

Mr. Keele: I thought he did.

Trial Examiner Dudley: Just a moment. He testified before that it was fixed in September 1936,—did you not?

The Witness: I think it was around that time.

Mr. Keele: I see.

Q. (By Mr. Keele.) Does the matter of who is asking you the questions make a difference, as to whether you can remember or not?

A. No. I am just telling you the same thing I told him.

Trial Examiner Dudley: He said, "about."

Mr. Keele: All right.

Q. (By Mr. Keele.) Now, what about the job in the die-polishing department? When did you get that order?

A. How is that?

Q. When did you get the order to fix the insulation, or do the insulating work in the die-polishing department?

A. Well, I think that was on that same list, with the repair to the roof.

Q. Well, when—

A. I don't recall what date it was, or what month it was, now.

Q. Can you tell us about what month it was?

1772 A. Why, no. It is on a piece of paper down there—

Mr. Keele: I suggest, in order to avoid further contumacy here on the part of the witness, that the Examiner direct him to answer the question, either that he does not know, or else to give us a direct answer.

Trial Examiner Dudley: Well, he gave me a guess, in answer to my question.

Mr. Keele: That is what I am trying to bring out.

Trial Examiner Dudley: He said, about the fall of 1935.

Mr. Keele: About the fall of 1935?

Trial Examiner Dudley: Yes.

The Witness: Yes.

Q. (By Mr. Keele.) And when you left there in February, it was nine-tenths done, you say—in February, 1937?

A. Oh, it was easy nine-tenths done.

Q. Easily nine-tenths done.

A. Yes, sir.

Q. In February of 1937.

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all, Mr. Holm.

(Witness excused.)

Mr. Walsh: Jack Taylor.

Trial Examiner Dudley: You have not been sworn, have you?

1773 Mr. Taylor: No, sir.

JACK TAYLOR, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: You name is Jack Taylor?

The Witness: John Taylor.

Mr. Collins: John Taylor?

The Witness: They call me Jack, but John is my name.

Mr. Collins: Have you been served with a subpoena, to appear before the Examiner here?

The Witness: Yes, sir.

Mr. Collins: On behalf of the witness, if the Examiner please, I would like to claim his privilege under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

A. 427 Ravine Avenue.

Q. Waukegan?

A. Waukegan.

Q. How long were you employed by Fansteel?

A. Oh, I should think about six or eight weeks.

Q. Prior to February 17th, 1937?

A. Yes, sir.

Q. You were in the Maintenance Department?

A. Yes, sir, I was; I worked in the Maintenance
1774 Department at that time.

Q. What was your job?

A. Carpenter.

Q. You joined the union, I believe, on March, 11th, 1937;
is that right?

A. When?

Q. When did you join the union?

A. I didn't join the union until after the strike was over
with.

Q. Do you know what date that was?

A. Well, that must have been, I think, in February or
March—yes, I think it was in March. I don't know; I don't
recall the date when it was, but I think it was in March some-
time.

Q. Now, during the progress of the strike down there, did
you take an active part in the strike?

A. No, I didn't.

Q. Did you have anything to do with the strikers?

A. No.

Q. What was your hourly rate of pay while you were
there?

A. At first I was getting 65 cents.

Q. And what were you getting then, up to February the
17th?

A. Well now, they gave us a raise of 5 cents, so then I was getting 70 cents. I got 70 cents.

Q. How many hours a week did you work?

A. I only worked part time.

1775 Q. Part time?

A. Yes, sir. I didn't work steady, you know.

Q. Oh, you did not.

A. No.

Q. How much did you draw per week?

A. Well, it would all depend on how many hours I worked. Sometimes we worked overtime, and of course it would all depend on just how much time we put in.

Q. Well now, how much did you draw for the first half of February, let us say?

A. Well, I couldn't answer that question, and get it right down correct, as to how much I drew.

Q. Well, could you tell us pretty closely?

A. Well, I think it was somewhere around in the neighborhood of \$35.

Q. \$35?

A. Yes, sir.

Q. For the first half of February?

A. Or \$36, something like that. I couldn't tell you exactly.

Q. For the first half of February?

A. Yes, sir.

Q. How much have you earned since February 26th?

A. You mean, after I got out of there?

Q. Yes.

A. \$45 altogether, that I have earned.

1776 Q. You worked for the WPA, did you not?

A. Well, of course, that isn't in that. This is outside of the WPA.

Q. Outside of the WPA?

A. The \$45, yes, sir. That was in picking up little jobs here and there.

Q. Now, you were not in the strike at all, were you?

A. No, sir.

Q. Did you have anything to do with the strikers, while they were in the plant?

A. No, sir.

Q. Did you put any food, or bedding, or clothing in there?

A. No.

Q. After the plant reopened, did they call you back to work?

A. No, they haven't.

Q. Did you talk to anybody about going back to work?

A. No, I haven't,—yes, I did talk to one man, but that was the time I came for my pay. That was after the strike was over.

Q. When was that?

A. Well now, I think that was the 28th or 29th of February.

Q. Did they take up your pass at that time?

A. Yes.

Q. Did they issue you a new pass?

A. No, sir. I wanted to get my tools, and of course 1777 they wouldn't allow me to go in to get my tools; and then a week later—they said I could come back a week later, and I could probably get my tools then; so I did go back a week later.

Q. And took your tools?

A. Well, they called a man by the name of Nelson who works there, to go in with me, into the carpenter shop, to get my tools.

Q. Yes?

A. So I got my tools, and on our way going down there, why, Mr. Nelson says to me he—he says, "I thought" he says, "they were going to probably keep you here to take Art Holm's place." And I says, "I don't know nothing about it." And I says, "Furthermore, I wouldn't take nobody's place, with times the way they are right now."

Q. You were not on the picket line, were you?

A. No, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) As I understand it, Mr. Taylor, you did not join the union until in March sometime?

A. Yes.

Q. And it was on the 29th that you went down there—on the 29th of February, you went down there to get your pay? That was after the men were evicted?

A. Well now, I couldn't say whether it was the 28th, 1778 or the 29th; but it was after the strike was over.

Q. And some time before March; is that right?

A. Yes, sir.

Q. All right. Some time between the 26th of February, and the 1st of March—

A. Yes.

Q. —you went down to get your pay?

A. Yes, sir.

Q. And at that time they did not tell you to continue on with your work, did they?

A. No.

Q. They told you that they would not need you, did they?

A. No, they didn't say anything like that at all. I just came down there to get my pay, and I wanted to go in and get my tools.

Q. You came down there with the intention of quitting; is that right?

A. No, no, I didn't quit.

Q. Why did you want your tools, then?

A. Why?

Q. Yes; why did you want to take your tools out?

A. Because there wouldn't be any work there for the next few days or so, and I was going to take on the WPA. That is why I wanted my tools.

Q. I see. As a matter of fact you only worked part 1779 time there, did you not?

A. That is all.

Q. And you had other jobs outside?

A. No.

Q. (Continuing.) Whenever you could get them.

A. No, sir. That was the only job I had outside, the WPA work.

Q. You worked on the WPA.

A. Yes.

Q. And you worked for Fansteel.

A. Yes, part time.

Q. At the same time?

A. Yes, sir. I happened to run into Holm just at that time, and he said that he had a lot of work, that there was a lot of work to be done, so I asked him how chances would be to work for a while for him; and he said, all right.

Q. You are still working for the WPA, are you not?

A. Yes, sir.

Q. You are doing some work over at Great Lakes, are you not?

A. That is where I am working, yes, sir.

Q. How?

A. That is where I am working.

Q. That is where you are working, yes.

A. Yes, sir.

Q. How much are you making now?

1780 A. On this WPA work?

Q. Yes.

A. \$85 a month.

Q. \$85 a month?

A. Yes, sir.

Q. And how much were you getting from Fansteel, when you were working for Fansteel? About \$35 every two weeks, would you say?

A. No, sir, I wouldn't say \$35 every two weeks, no. I said at first I was getting 65 cents per hour.

Q. Yes.

A. And that meant that we would work more hours, and then naturally we got more, but I couldn't say how much it would be.

Q. How much were you making with the WPA, at the time you were working for Fansteel?

A. That is all I was getting from the WPA, \$85 a month.

Q. Right straight along, you have been doing that?

A. Yes, sir.

Q. And then in addition, you got whatever you did get from Fansteel?

A. Yes, sir.

Mr. Keele: That is all.

Trial Examiner Dudley: Just a moment, Mr. Taylor. There are one or two questions I want to ask you.

1781 The Witness: Yes, sir.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) When did you start working for the WPA?

A. Oh, that was a year ago last August, I think it was.

Q. August of 1935?

A. I couldn't say for sure.

Q. Approximately?

A. Yes, sir.

Q. When did you say you started working for Fansteel?

A. Well, that was last fall, but I couldn't recollect just what date it was I started in there. I started in last fall, and

I think I got in altogether about six or eight weeks, that I worked there.

Q. About how many days a week did you work for Fansteel?

A. Well, that was four or five days a week.

Q. Four or five days a week?

A. Yes, sir, and then sometimes there would be overtime, also; that is, figuring that in.

Q. And the days of the week when you were not working for Fansteel, did you work for the WPA?

A. Yes, sir.

Q. So that you had a full week of work, did you?

A. Yes, sir, at that time.

Q. Did the WPA people know that you were also
1782 working for Fansteel?

A. Yes.

Q. They did know that?

A. Yes, sir.

Q. Did you have a skilled job with the WPA?

A. A cabinet maker.

Q. Cabinet maker?

A. Yes, sir.

Q. Are you working as a cabinet maker on WPA jobs?

A. Yes, sir.

Q. Who is your immediate superior in the WPA?

A. Well now, do you mean the one down at Great Lakes, where I am working?

Q. Well, I mean, wherever you are working. You said you were working at Great Lakes, for the WPA.

A. Do you mean the main boss down there?

Q. I mean the man from whom you take orders.

A. Well, the man that I take orders from is the shopman inside, where I am working.

1783 Q. What is his name?

A. Matt Reckinwall.

Q. What is the last name?

A. Reckinwall. Matt is the first name, and Reckinwall is the last name.

Q. Does he spell it R-e-c-k-i-n-w-a-l-l, or something like that?

A. Well, I really don't know how he does spell it, but that is the way he calls it.

Q. Something like that?

A. Yes.

Q. Does he know that you were working for Fansteel?

A. Yes, sir.

Q. You never had anything to do with the union until March 11th, when you joined, did you?

A. No.

Q. You had never taken part in any union activities?

A. No.

Q. And you took no part in the strike?

A. No.

Q. In any way?

A. No, sir.

Q. Are you related to anybody who took part in the strike?

A. No.

Q. Did anybody at Fansteel ever say anything about 1784 your services not being satisfactory?

A. No, sir. There was nobody ever said anything like that to me, about it. I wouldn't probably have joined the union at that time, if it hadn't been that some of the fellows in the office there didn't exactly like to take my word, telling them I didn't belong to the union. They thought I did, at that time.

Mr. Keele: Just a moment. What was that last answer? (The answer was read.)

Q. (By Trial Examiner Dudley.) What fellows do you mean?

A. I don't know. I think it was one of these men here; I think this man here was there, and I think there was—

Q. Meaning the man wearing the brown suit there?

A. Yes, sir.

Mr. Keele: Mr. Anselm?

The Witness: Yes, sir, and I think the president of the company was there; kind of a dark complected fellow.

Q. (By Trial Examiner Dudley.) Mr. Aitchison, the man sitting on the bench alone over there?

A. It looks a good deal like that man sitting right there. (Indicating.)

Mr. Swiren: Do you mean me?

The Witness: No, no, not you; right next to you there. He looks a good deal like the man I am speaking about.

1785 Mr. Swiren: He was a nice looking fellow, then.

Mr. Keele: There is no question about that.

The Witness: Well, at any rate, they doubted my word.

Q. (By Trial Examiner Dudley.) Did they talk with you?

A. Yes.

Q. What did they say?

A. They asked me if I belonged to the union.

Mr. Swiren: "Talk a little louder, please."

Trial Examiner Dudley: He says they asked him if he belonged to the union.

The Witness: Yes, they asked me if I belonged to the union, and I says, "No," and of course, they didn't like to take my word for it, and then after a while they says, "Well, we will take a chance, and give you your money."

I suppose they didn't want to give me my money if I belonged to the union. I suppose that it is the way it was, although I just don't know; I couldn't say exactly.

Q. (By Trial Examiner Dudley.) Just a moment. About when was that conversation?

A. Well, now, I think that was between the 26th and the 28th of February, when I came back after my money.

Q. Between—

A. But I couldn't say exactly.

Q. Just a moment, Mr. Taylor. Between February the 26th and February the 28th—

1786 A. Yes.

Q. —you were talking with Mr. Anselm?

A. Yes, sir.

Q. The man wearing the brown suit there?

A. Yes, sir.

Q. And also this gentleman sitting alone over here on the bench, you say?

A. Yes.

Q. In front of the rail?

A. Oh, no.

Q. He was not the other gentleman?

A. No.

Q. I thought you said—

A. No, it don't look to me as if it was him.

Q. You do not know who the other person was?

A. No, I couldn't say now.

Mr. Swiren: He has already identified Mr. Block.

The Witness: It looks something like him, but I don't know if it was him or not.

Q. (By Trial Examiner Dudley.) Where was the conversation?

A. That was in the office, at the Fansteel office.

Q. Whose office was it?

A. Well, just as you go in the lobby, I guess.

Q. By the information desk?

A. Yes, sir.

1787 Q. Who did the talking, as between those two gentlemen?

A. Why the man—the dark complected fellow is the one that done the talking.

Q. You mean the one who was with Mr. Anselm?

A. Yes, sir.

Q. Now, as near as you can remember, give me his exact words?

A. That was all he said.

Q. Well, what did he say? Give it to me again, and very slowly.

A. All right. He asked me if I belonged to the union.

Q. Yes.

A. And if I was in the strike.

Q. Yes.

A. And I says, no, that I wasn't in the strike, and I didn't belong to the union.

Q. Yes.

A. Well, then he kind of doubted it for a while; he didn't know whether to give me my money or not.

Q. What money were you talking about?

A. That was the pay that I had at that time, when I went down there, before the strike was pulled off.

Q. Did he say that he would not give you your money, if you belonged to the union, or were involved in the strike?

A. No, sir, he didn't say that, but I guess it was—
1788 the ones that was in the strike, why, they wasn't supposed to get their money for sometime, I guess.

Q. You say, you guess that?

A. Yes.

Q. What do you mean by that?

A. Just what I say. I say, I don't think they got their money, the ones that was in the strike, at that time, or on that day.

Q. Do you know of anybody who was in the strike, who did not get their money?

A. No, I don't.

Q. How long did these gentlemen discuss giving you your money at that time?

A. Oh, only a few minutes, probably. After we got through talking, why, they, Mr. Anselm gave me my money.

Q. Were they laughing, or joking, or smiling, when they said that?

A. They weren't laughing.

Q. When they asked you if you had been engaged in the strike?

A. No, sir, they weren't laughing or smiling.

Q. They were not?

A. No, sir, I guess they meant it all right.

Q. You thought they meant what they said?

A. Yes, sir.

Trial Examiner Dudley: All right.

1789 Mr. Keele: Just another question or two.

Q. (By Mr. Keele.) Mr. Taylor, you stated, I believe, that it was in February that you got your pay?

A. Yes.

Q. Sometime in February.

A. Yes, sir.

Q. Before the 1st of March?

A. Yes.

Q. The strikers were evicted on Friday the morning of the 26th; do you remember that?

A. Yes, sir.

Q. All right. The last day of February, which was a working day, was Saturday the 27th, so you must have gotten your pay on the 27th; is that not correct?

A. Yes, sir, I believe it was.

Q. All right.

A. I think it was the 27th.

Q. All right.

A. I was mistaken.

Q. And the rule was that the strikers did not get their money until they came out of the buildings; you heard that did you not, Mr. Taylor?

A. I don't know when they got their money.

Q. Well, did you know that was the rule?

A. No, I didn't.

1790 Q. Did you know that the strikers, none of the strikers got their money before the 3rd of March?

A. No, sir.

Q. Did you understand when they said—or when they doubted whether or not you belonged to the union, whether or not you had taken part in the strike—you understood that if you were a striker, or a member of the union, you would not get your money at that time?

A. Yes.

Q. All right.

A. That is the way I took it.

Q. And they said, "We will take a chance on you"?

A. Yes.

Q. And they gave you your money?

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all; thank you.
(Witness excused.)

Mr. Walsh: I have one or two more in group 1, whom I would like to put on at this time.

Trial Examiner Dudley: This man was in group 4?

Mr. Walsh: Yes. That concludes group 4. Nate Mogel. May this witness be sworn, if the Examiner please.

NATE MOGEL, called as a witness on behalf of the National Labor Relations Board, being first duly sworn,
1791 testified as follows:

Mr. Collins: Your name is Nate Mogel?

The Witness: Yes, sir.

Mr. Collins: Spell your last name for the reporter.

The Witness: M-o-g-e-l.

Mr. Collins: Have you been served with a subpoena to appear before the Examiner here?

The Witness: I was.

Mr. Collins: On behalf of the witness, Mr. Examiner, I would like to claim his privilege under section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: Privilege granted.

Direct Examination.

Q. (By Mr. Walsh.) What is your address?

Trial Examiner Dudley: Just a moment. Is Nate your entire first name?

The Witness: Nathan.

Trial Examiner Dudley: Nathan.

The Witness: Yes, sir.

Q. (By Mr. Walsh.) Now, Mr. Mogel, talk up loud, so that they can all hear you back there. What is your address?

A. At the present moment, in Chicago, it is 4017 North Clarendon Avenue.

Q. How long were you employed by Fansteel?

A. Three months.

1792 Q. What was your job?

A. In the sintering department.

Q. When did you join the union?

A. About a week before the strike.

Q. And did the plant operate between the 17th of February and the 26th of February?

A. Not that I know of.

Q. When did you draw your last pay from the company?

A. In the early part of March.

Q. Did they take up your pass at that time?

A. No.

Q. Did you talk to anybody about going back to work?

A. No, I didn't.

Q. Were you ever offered reemployment by the company?

A. No.

Q. What was your hourly rate of pay?

A. 44 cents per hour.

Q. How many hours a week?

A. About 45 hours a week.

Q. What was your average weekly pay check?

A. Anywhere from \$20 to \$25.

Mr. Swiren: We cannot hear. Speak up a little louder.

The Witness: I will, on the next question.

Mr. Swiren: What was the last answer?

(The answer was read.)

1793 Q. (By Mr. Walsh.) How much money have you earned since February 26th, 1937?

A. \$120.

Q. What were you doing to earn that money?

A. On the job that I have now, managing a store, a delicatessen store and liquor shop.

Q. Normally, when you were employed by Fansteel,—or when you were employed by Fansteel, did you do any work on the outside for pay?

A. No.

Q. Now, you were one of the men who occupied the plant—

A. Yes.

Q. (Continuing)—between February the 17th and February the 26th, were you not?

A. Yes, sir.

Q. You were one of the defendants in the injunction suit, were you?

A. My name was not mentioned there, no, sir.

Q. Your name was not mentioned?

A. In the injunction suit, no, sir.

Q. And you were not one of the men involved in the contempt case, were you?

A. I gave myself up—yes, sir.

Q. I see. Now, when the work stopped there on the 17th of February, the management did not order the work
1794 stopped, did they?

A. No, sir, they didn't.

Q. The stoppage was caused by the men taking over buildings 3 and 5, was it not?

A. Yes, sir.

Q. And you have never been offered reemployment by the company?

A. No, sir.

Mr. Walsh: You may examine.

Cross-Examination.

Q. (By Mr. Keele.) Did you ever make an application?

A. Yes, I filled one in.

Q. You filled one in?

A. Yes, sir.

Q. How long did you say you had worked there?

A. Three or four months.

Mr. Keele: That is all.

Q. (By Trial Examiner Dudley.) Mr. Mogel, is this job which you now have, manager of a delicatessen and liquor store, a permanent job?

A. Yes, sir.

Q. That is your present job?

A. Yes, sir.

Q. And you expect it to last indefinitely, do you?

A. Yes, sir.

1795 Trial Examiner Dudley: Is that all with the witness?

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: Thank you.

(Witness excused.)

Mr. Walsh: If the Examiner please, this witness is now

living and working in Chicago, and I would like to ask that he be excused from further attendance at the hearing.

Mr. Keele: Give us his address.

Mr. Walsh: Yes; leave your address with counsel here.

Mr. Mogel: Surely.

Mr. Walsh: And if they want you, they will recall you.

Mr. Swiren: Does the record show the address of the witness?

Mr. Mogel: 4017 North Clarendon Avenue, Chicago.

Trial Examiner Dudley: The witness is excused, unless notified to the contrary.

Mr. Walsh: At this time, if the Examiner please, I want to offer part of Board's exhibit No. 1. At this time I will offer Board's exhibit 1-O, which is the order denying the application for subpoenas, and subpoenaes duces tecum. I understand there is no objection on the part of respondent.

Trial Examiner Dudley: Is there any objection to receiving in evidence Board's exhibit No. 1-O?

Mr. Swiren: Of course, we object to the entry of the 1796 order, if the Examiner please. We think it is highly improper.

Mr. Keele: Let us see just what it is.

Mr. Swiren: (Continuing.) To permit counsel for the Board to carry around a pocketful of subpoenas, and to issue them—

Trial Examiner Dudley: Let Mr. Keele look at it.

Mr. Swiren: —with no notice, and deny us any right to subpoenas—

Trial Examiner Dudley: This is not the time for a speech, Mr. Swiren.

Mr. Swiren: Well, I wanted to state—

Trial Examiner Dudley: I want to know whether you object to the reception into evidence of this exhibit, yes or no.

Mr. Swiren: I would like to state my grounds, as the rules require.

Trial Examiner Dudley: Yes, I know.

Mr. Swiren: I am sorry, but the rules require a statement of my grounds.

Trial Examiner Dudley: I want a yes or no answer, or nothing else.

Mr. Swiren: I cannot do anything except to comply with the rules. The rules and regulations require a statement.

Trial Examiner Dudley: I want nothing else. I want 1797 to know, yes or no, and if you have no answer, I will admit it.

Mr. Swiren: I have made my statement for the record.

Trial Examiner Dudley: And I might say that if counsel cannot conduct himself in the way in which a respectable member of the profession should, then I think that the respondent can get along with the other three counsel that it has.

Mr. Swiren: I take an exception to the remark of the Examiner.

I have a right to invoke the rules and regulations of the National Labor Relations Board, and I think the Trial Examiner ought to hear me when I do. It is the perfectly proper thing to do.

Trial Examiner Dudley: Mr. Reporter, let the record show that Board's exhibit No. 1-O is received in evidence.

(The document referred was received in evidence as BOARD'S EXHIBIT NO. 1-O.)

Mr. Walsh: That, I think concludes all of the testimony with reference to the various men, that I can offer at this time, if the Examiner please. I will proceed now—

Trial Examiner Dudley: There are still a few girls, are there?

Mr. Walsh: There are two girls who have not testified.

Mr. Keele: Just a inoment, if the Examiner please. We do wish the record to show our objection to the entry of the order.

Trial Examiner Dudley: You do have an objection to 1798 the reception of this in evidence?

Mr. Keele: Yes. I do not see that it tends to prove any of the issues in the case, and it is, therefore, objected to; and then, of course, we do object to the fact that the order was entered as is. But that is not the point. The point here is the objection to the entry of this document in to evidence as an exhibit.

Trial Examiner Dudley: The record shows your objection to the entry of the document as an exhibit.

Mr. Walsh: Yes.

Trial Examiner Dudley: And I will overrule the objection. Your objection is noted on the record.

I will declare a short recess at this time.

(A short recess was taken.)

Trial Examiner Dudley: The hearing will reconvene.

Mr. Walsh: I will recall Mr. Swanson.

CARL ANDREW SWANSON, recalled as a witness for the National Labor Relations Board, previously duly sworn, and testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Swanson, you have testified here before?

A. Yes, sir.

Q. On September 10th at the meeting between the Bargaining Committee and Mr. Anselm, was something said 1799 at that time about the formation of a representation plan?

A. Yes, sir.

Q. Will you tell us briefly what was said at that time?

A. Well, there was some pamphlets, or books, I believe they call it E. R. P., or something like that—

Q. Employees Representation Plan?

A. Yes, sir, that was in effect, I believe, at that time, in the American Steel & Wire Company at Waukegan.

Q. And some booklets were distributed to the members of the committee at that time, were there?

A. Well, there were some distributed, but I don't know who all received them, and I don't know how many; but there was some booklets there, yes, sir.

Q. One of those booklets has been introduced in evidence here. You have seen this booklet, have you not?

A. Yes, sir.

Q. Now, later, that afternoon, did any of the officials of the company attempt to solicit members for a company union in the plant?

A. I was told that they had.

Q. And who were those officials, if you remember?

A. Bill Schultz, the secretary to the superintendent; Mr. Hall, a foreman; and Luther Henry.

Q. Anyone else?

A. That is the only ones they told me about; that 1800 is, the parties that had been talked to about it, told me that they had talked to them.

Q. You were told that this solicitation took place in the afternoon, after the meeting with the management; is that right?

A. Yes, sir.

Q. Were you solicited yourself?

A. No, sir.

Mr. Walsh: That is all.

Mr. Keele: I think we ought at this time, if the Examiner please to move to strike the testimony of this witness from the record, on the ground that he has merely been told that there was solicitation. While we may have the right of cross-examination, as to the meaning of that, it is all hearsay. If they want to tell us who the men were who told him that, and if then those men were to be called I think that would be a totally different proposition; but it seems to be, while the rules of evidence are relaxed, as has been stated, in these hearings, that is going quite a good way, on hearsay of that kind.

Even if the Examiner feels that it is necessary to get that information, I think that the more proper way would be to first see if we cannot get the men who were solicited.

Trial Examiner Dudley: Are you going to bring them in, Mr. Walsh?

1801 Mr. Walsh: Yes.

Mr. Keele: Well, if they are brought in, it may not be very damaging,—that sort of evidence,—except I think if he brings these people in, and shows who they are, and shows it directly by the men to whom the solicitations, if they were solicitations, were addressed, we ought to have the right to have this testimony stricken from the record.

Trial Examiner Dudley: I will permit the testimony to stand, with the note on the record, however, that it is rather extreme hearsay.

Mr. Keele: Yes; I think myself it is going rather a long way.

Trial Examiner Dudley (Continuing.) And should not be given very much weight.

Mr. Keele: I think, if he cannot prove who the parties were, what the solicitations were, if he cannot get at it in any other way, that is one thing; but if he can, even though this may be introductory, it nevertheless does have a certain amount of probative force if it is permitted to remain in the record. I mean, it is impossible for a man to read the record and not give him some effect to a statement of that kind.

Trial Examiner Dudley: I believe counsel has finished his direct.

Mr. Walsh: Yes.

Trial Examiner Dudley: Do you desire to cross-examine?

1802 Mr. Keele: I might ask him just two or three questions.

Cross-Examination.

Q. (By Mr. Keele.) Who were the men who told you this, Mr. Swanson, if you recall?

A. Elsworth Peters was solicited by Mr. Hall, and it was either Harold Stricklen, or Frank Ludlow, that was solicited by Mr. Henry; and there was some girl—I don't recall her name—that told me she was solicited by Mr. Schultz.

Q. Well, now, did all of them use the word "solicited"; or just what did they say to you?

A. Well, it was the same meaning. That is Elsworth Peters said that Red Hall told him that he had better sign this if he thought anything of his job.

Q. Now, Red Hall is not a foreman, is he?

A. I understand he is a foreman.

Q. Well, as a matter of fact, do you not know that he is on an hourly basis, and always has been?

A. I don't know what basis he is on.

Q. Then you made the statement that he is a foreman, without knowing it, did you?

A. Well, I understand that he orders material and so forth, for his department, and has charge of a certain number of employes under him.

Q. And that is not the test of being a foreman, is it?

A. Well—

1803 Q. Now, are there not other men who order material without being foremen?

A. Well, he was the only one up there, to my knowledge, who did that?

Q. Well, it comes down to this, does it not, that you do not know whether he is a foreman or not? Is that not the fact?

A. I don't know how he is listed, for getting his paycheck; whether he is listed as a foreman or not, I don't know that.

Q. You do not know whether he is on an hourly pay basis—

A. No.

Q. —or on a salary basis?

A. No.

Q. But if he is on an hourly pay basis, then he was eligible for membership in the union, was he not?

A. Not necessarily, no.

Q. I thought the definition that you gave here the other day was to the effect—

A. Well, he might have had the right to hire and fire. Whether he had that right or not, I don't know.

Q. That would be the final test, wouldn't it?

A. Well, that is one of the tests.

Q. Well—

A. There is no final test; We haven't set up any final test as to that.

Q. Well, I do not want to get back again into what 1804 your rules for eligibility are, but if a man does productive work, and is on an hourly pay basis, and has no right to hire or fire, he is eligible for membership in the union, is he not?

A. Well, I cannot give you the exact status of that. I am not an expert on that.

Q. Well, then, if you do not know what your eligibility rules are, how are you able to say how many people there were eligible?

A. Considered eligible, I say. I would not say definitely that they were or were not eligible. It was those that were considered eligible by us.

Q. Well, now, I do not mean to go back into cross-examination upon a matter that was covered two or three days ago, but as I remember it, you stated at one time there were so many members on September the 10th—86 I believe—in the union; and 86 on September the 21st; and at that time not over 160 were eligible?

A. Yes.

Q. Well, now, as I understand it, you are saying now that the statement that you made that 160 were eligible, meant those that you considered to be eligible?

A. Yes.

Q. Or your understanding of that?

A. Yes.

Q. Now, is that correct?

1805 A. Yes, sir.

Q. Well, now, you have quoted people as saying that they were solicited.

A. Yes.

Q. In one case you told me that Hall told one man—I have forgotten now who you said it was—Elsworth Peters—that if he considered his job, he had better sign.

A. Well, he had an argument over it, but it was something to that effect.

Q. He did not have—

A. (Continuing) I can't give you the exact statement that he made as to that, but he said they had an argument.

Q. Well, he did not have any superior rank to Elsworth Peters, did he, in the organization—not of the union, that is, but of the company.

A. I would say so, yes, sir.

Q. That is your belief?

A. Yes.

Q. But again, you do not know on that point, because it would depend on whether he was a foreman or not; that is right, is it not?

A. Yes, sir.

Q. They were in different departments by the way, were they not?

A. Yes, sir.

1806 Q. Now, you mentioned next a man named Stricklen.

A. Either Stricklen or Ludlow, I believe it was.

Q. Ludlow?

A. Yes.

Q. You said they told you about solicitations.

A. Yes.

Q. What was said to you?

A. He just said that they were asked to sign up.

Q. That they were asked to sign?

A. Yes, sir.

Q. Stricklen is not a foreman, is he?

A. No, sir.

Q. And was not at that time?

A. No, sir.

Q. In other words, he was on an hourly rate basis, was he not?

A. I think he was.

Q. And had the same rank as Ludlow?

A. Yes, sir.

Q. Now, do you recall who it was that spoke to the girl?

A. I believe it was William Schultz, the girl told me, spoke to her.

Q. Schultz is a member of the clerical force, is he not?

A. Yes, sir.

Q. In the administrative offices of the company?

1807 A. Yes, sir.

Q. He has no title, other than that of secretary to Mr. Anselm, or assistant—has he?

A. I don't know what his title is, but we assumed that he was secretary to the superintendent, although just what his official capacity is, we don't know.

Mr. Keele: I think that is all.

Mr. Walsh: That is all.

Trial Examiner Dudiey: You may step down.

(Witness excused.)

Mr. Walsh: Earl Fagan. This witness has already been sworn, Mr. Examiner.

THOMAS E. FAGAN, recalled as a witness for the National Labor Relations Board, being previously duly sworn, further testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Fagan, you were sworn and testified here the other day about a talk that you had with Mr. Anselm, around the afternoon of September 10th.

A. Yes.

Q. About joining a company union. Is that right?

A. No, sir, not about—I didn't testify about joining a company union.

Q. Well, I will ask you whether or not you talked to Mr. Anselm about a company union?

1808 A. I talked to him about the proposition that he wanted to break up the organization that we have now; he said he wanted to break it up.

Q. I believe you said something about him having a petition to sign?

A. Yes, sir. He had a paper there, but he never asked me to sign it.

Q. He did not ask you to sign it?

A. No, sir.

Q. Did he say anything to you about joining a company union?

A. Well, he said that if I would drop the CIO, it would be forgotten in a year or two, whether it was put over at that length of time long enough to go through.

Q. Did he say anything about organizing a Representation Plan?

A. No.

Q. Did he indicate what the petition that he had there, was for?

A. No.

Mr. Walsh: That is all.

Mr. Keele: May we have just one moment here, if the Examiner please.

Trial Examiner Dudley: Yes.

(A brief intermission followed.)

Cross-Examination.

1809 Q. (By Mr. Keele.) Now, will you just tell us again, the conversation that you had with Mr. Anselm, at the time that you have testified you talked with him?

A. Well, it was shortly after dinner, when he came into the room and called me.

Q. What date?

A. February 10th, in the afternoon. He called me over to the desk, and—

Q. Let us have that date again.

A. February 10th.

Q. Are you sure that was the date?

A. That is what I have in mind.

Trial Examiner Dudley: What year?

The Witness: 1936.

Q. (By Mr. Keele.) Now, let us have it again.

A. Oh, no. Wait a minute. I am wrong about that.

Q. How?

A. I got that wrong.

Q. You remember that you had that date pretty clearly in mind the other day, do you not?

Mr. Walsh: You scared it all out of him.

Q. (By Mr. Keele.) What was the date, Mr. Fagan, to give you an opportunity here? We are not trying to trap you.

A. September 10th.

Q. September 10th.

1810 A. Yes.

Q. All right. Go ahead.

A. And he said, "Earl, I want to break this thing up."

And then he says, "Did you read this contract?" I says, "Yes, I read it once." Then he told me that there was no court in the land that would not hold them if they signed it.

Q. And what else did he say?

A. Well, then he started talking about the CIO, and I showed him my card, and I told him that if he got the whole bunch of us up there and talked to us, that was all right, but that I didn't have no—I was no boss of it, or had nothing to say; and he said he had busy all that morning, and didn't think he would have time to take us over to the office and talk to us.

He says, "I will tell you what I will do; I will give each man five minutes." So then he called up, either Ted Daluga, or Clarence Dreyer—I don't know which was next; and I went back down in my seat then, at my machine.

Q. Where were you when this conversation took place?

A. Sitting up on the boss' desk.

Q. What do you mean by the "boss"?

A. Mr. Chiswell, the foreman.

Q. Well, then, as I understand it, the substance of the conversation was that Mr. Anselm said something about as follows: "Have you read this contract?"

1811 A. Yes.

Q. "There isn't a court in the land that would hold us to it, if we do put our signatures to it"—is that right?

A. Yes, sir, as I remember it.

Q. And then that he would like to break up the CIO business.

A. He didn't say "CIO".

Q. He just said he would like to break something up?

A. He said—

Q. What was it he said he would like to break up?

A. He said, "I would like to break this thing up"; and then he says, "I will give you something better than this contract; something even better."

Q. Well, when he talked about breaking something up, he was talking about that contract, was he not?

A. Well—

Q. He came in and said that there was not a court in the land would hold them to it, if they put their signatures to that contract; is that not right?

A. Yes, sir.

Q. And then he said, "I would like to break this thing up"?

A. Yes, sir, and I took it for granted that he meant Lodge 66.

Q. Well, he did not have anything to say about Lodge 66, did he?

A. No, sir, he just said that he wanted to break the thing up.

Q. You had just been talking about the contract, 1812 had you not,—or he had?

A. Yes, sir.

Q. And his whole attitude was that the contract was all wrong, was it not?

A. Well, he said he could offer something better even than that.

Q. And then it was after that that he spoke about the union, was it not?

A. After—

Q. After he said "I want to break this thing up?"

1813 A. Well, I haven't got the regular routine in my mind, just from start to finish, as to which came first.

Q. Well, is that not the way it happened, the way I have recited in here?

A. Say that over, will you?

Q. As I understand the situation, he came in to see you, and he said first, "Have you read this contract?"

A. Yes.

Q. And you got up on Bill Chiswell's desk, and read it over.

A. Yes, sir.

Q. And then he said, "There is no court in the land would hold us to this if we put our signatures on it", did he not?

A. Yes, sir.

Q. How?

A. Yes.

Q. And then he said that he wanted to break "this thing up", is that correct?

A. Yes, sir, he said, "I would like to break this thing up."

Q. And then he said he could do even better than this contract?

A. Yes, sir, he said that he could give us a better contract.

Q. Give you more than that?

A. With a company union, as I remember it.

Q. Then he asked you if you had read the Employee Representation Plan, is that correct?

1814 A. Well, I don't recall that.

Q. Well, that pamphlet, or booklet?

A. (No answer.)

Q. Did he ask you anything about that?

A. I don't remember.

Q. You do not remember that?

A. No, sir.

Q. Then you say he began talking to you about the union.

A. About the C. I. O.

Q. About the C. I. O.

A. Yes.

Q. And he said that in a couple of years there would not be anything to it; it would be forgotten?

A. He said that even if in a couple of years the thing did go over, in a couple of years, and it would go good, it would all have been forgotten, my quitting at that time. That is the way I understood it.

Q. What did you think he meant by that? I do not just understand those words myself. What did you think he meant by that?

A. Well, what I thought he meant by it was this, that I would just naturally quit, tear up my card and quit; and then if the C. I. O. drug along, and in a couple of years after that got good and strong, and they got into it there would be new men in it, new men working there, and it would just never come up again.

1815 Q. In other words, that they would have forgotten whether you were a member or not.

A. Yes, sir.

Q. Is that it?

A. That is the way I understood it.

Q. In other words, he indicated to you that if you would quit right then and there, by the time they got it organized, they would have forgotten all about whether you were ever a member or not?

A. That is the way I took it.

Mr. Keele: I think that is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down.

(Witness excused.)

Mr. Walsh: I will recall Frank Zelenick. This witness has already testified, if the Examiner please.

FRANK ZELENICK, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Zelenick, were you at one time solicited by some of the officers of the company to become a member of an employees representation plan, or company union?

1816 A. Yes, sir, I was.

Q. When was that?

A. Around September 10th; I believe it was on the 10th.

Q. Who talked to you about it?

A. James Hall.

Q. What position does James Hall occupy with the company?

A. He is a foreman of a department on the fourth floor.

Q. What department is he in?

A. I guess it is known as the Railroad Signal.

Q. Railroad Signal?

A. Yes, sir.

Q. What did Mr. Hall say to you?

A. Well, he came by me, and he says, "Do you want to sign this?" I said, "What is it?" "Well" he says, "we are trying to form a company union like they have down in the wire mill." And I said I wasn't interested. "Well" he says, "you might as well sign up." He said, "The rest of the fellows are signing." He said, "The company will never recognize the outside union, anyway."

Q. Did you have any further talk with him about it?

A. Well, there was a discussion there, where he tried to prove to me that the company union was genuine, and active; and I went around and proved that it was not.

Q. I see. And did you ever have any further talk with him about it afterwards?

1817 A. No, I didn't.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) Why do you say Hall was a foreman?

A. Because.

Q. Because what?

A. The people who work up on the fourth floor with him refer to him as their foreman.

Q. Well, does the fact that someone calls a man something—they sometimes call Frenchy DuBois a lawyer, do they not?

A. No, sir.

Q. No?

A. No, sir.

Q. But if they do, would that make him a lawyer?

A. Well, I don't know.

Q. What? Have you not been called names, called things that you were not?

A. Oh, sure.

Q. All right. Is that all you know, then, as to whether or not he was a foreman?

A. Well, I believe that those fellows that worked with him, knew who their foreman was.

Q. You are basing it on that, are you?

A. Yes, sure.

Q. Do you know whether he was on an hourly rate of 1818 pay, or on a salary basis?

A. No, sir, I don't; I wasn't interested in that.

Q. In other words, you want him to be a foreman in this case, do you not?

A. Well, he always was a foreman.

Q. Well, I say, you want him to be a foreman; you would like to have him be a foreman in this case, would you not?

A. Not what I want; what he is.

Q. Do you want to take oath on the fact that he was a foreman?

A. Sure.

Q. And you base that on the statement that two other men called him that?

A. Yes.

Q. And that is all you know about it?

A. The people that worked with him, referred to him as their foreman.

Q. There were four men in that department; you know that, do you not?

A. Three, at the time.

Q. And he was foreman over three men, was he?

A. Yes, sir.

Q. On a salary basis?

- A. That I don't know.
- Q. Did he work in production, just like any other man?
- 1819 A. I don't know—no, I don't think he did, sir.
- Q. You do not know, do you?
- A. No, I don't.
- Q. The foremen downstairs do not do that, do they? Where they have 10 or 12 people under them, they do not work in production, the foremen whom you know to be foremen, do they?
- A. Yes, they work.
- Q. They do not work on production work, though, do they?
- A. Yes.
- Q. They do not go over to a machine and work—
- A. Yes.
- Q. —along with other men, do they?
- A. My foreman worked on machine work at times.
- Q. At times?
- A. Yes, sir.
- Q. But not regularly?
- A. No, not regularly.
- Q. All right. And Hall does regular work, does he not,—and did, when you knew about it?
- A. Well, I don't know whether he worked regularly or not. I seen him walk up and down from the fourth floor to the first floor all day long. I don't call that work.
- Q. You do not call that work?
- A. No, sir.
- Q. A hod-carrier who walks up and down with his
- 1820 hod; you do not call that work?
- A. He wasn't carrying a hod.
- Q. If they are just peripatetic, they do not work; is that it?
- A. (No answer.)
- Mr. Keele: All right.

Redirect Examination.

- Q. (By Mr. Walsh.) Mr. Zelenick, do you know what a self-serving declaration is?
- A. What?
- Mr. Walsh: I will withdraw that. That will be all.
- Trial Examined Dudley: Just a moment, Mr. Zelenick. There are a few questions I want to ask you.
- The Witness: Yes, sir.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) When Mr. Hall was talking to you, did he have anything in his hand, by way of a document, petition, or anything of that sort?

A. Yes, sir, he had a petition in his hand.

Q. He had a petition?

A. Yes, sir.

Q. Did you see it?

A. Yes, sir.

Q. Was it typed?

A. It was typed.

1821 Q. Did you read it?

A. No, sir. I didn't see the type, but he told me what it was.

Q. And that is what you testified to a while ago?

A. Yes, sir.

Q. Did he say where it was typed?

A. Well, he told me that he was ordered to do that, to go around and get signatures, by the superintendent.

Trial Examiner Dudley: Is there any further cross examination?

Mr. Keele: Yes.

Recross Examination.

Q. (By Mr. Keele.) Hall told you that, did he?

A. Yes, sir.

Q. Did he tell you that Mr. Aitchison ordered him to go around?

A. The superintendent, the plant superintendent.

Q. Mr. Anselm?

A. Yes, sir.

Q. Where did this conversation take place?

A. Over by my machine.

Q. And there were five or six other people present there, were there?

A. Oh, I believe Joe Richveis was there part of the time.

Q. Was Bankowisch there, or Galbavy, or any of the boys who do not understand English?

1822 A. Galbavy?

Q. Yes.

A. No. They didn't work in my room at all.

Q. Tell us who was there, who heard the conversation?

A. I think Richveis would be the only one who was there. He would get right behind my machine.

Q. And he heard the conversation?

A. He walked over to see what it was all about.

Q. He heard the conversation?

A. I think he heard it.

Q. What was the date; can you fix that for us?

A. I believe it was the 10th of September.

Q. How do you fix that date?

A. Well, it was a few days after Mr. Anselm came back, the superintendent, and he came back on the 8th of September. Whether it was two or three days later, when he came around with this petition, I don't know.

Q. But how do you remember the date when Mr. Anselm came back?

A. Well, it was the day after Labor Day.

Q. The day after Labor Day?

A. Yes, sir.

Q. How do you remember that? Did you see him there that day?

1823 A. Yes, sir—there was a notice put up on the bulletin board in the morning, early in the morning, to that effect.

A. What hour of the day was this?

A. Oh, it was about—I would say about eight o'clock; and Mr. Anselm came up into the department about nine or ten, on the 8th.

Q. No, I am talking about this conversation; you say Joe Richveis was there.

A. Oh, that took place about—I would say about two o'clock in the afternoon, or two-thirty.

Q. What was on that petition?

A. Well, as I said before I didn't read it; he just told me what it was.

Q. He did not show you the petition?

A. He showed me the signatures.

Q. Well, now, the signatures were all on one page, were they not?

A. Yes, sir.

Q. Well then, what was at the head of the petition?

A. I didn't read it.

Q. You do not know, then, what was in that petition, do you?

A. He told me what it was.

Q. Were you not enough interested to read the petition?

A. Well, naturally he knew what he was going
1824 around with. I took his word for it.

Q. He was your foreman?

A. Yes.

Q. And you want it understood that way; it that it?

A. Yes, sir.

Q. That fits your theory of this case better; is that right?

A. Sure.

Q. And you are not concerned with whether it is true or
not?

A. It is true.

Q. — You are not very much concerned as to whether you
are telling the truth in this thing, or not, so long as it fits
your case, are you?

A. Sure I am concerned. That is exactly what happened.

Q. You are very anxious to follow the obligations of your
oath here; is that right, or not?

A. I am following them.

Q. Do you want to follow them, or is it a question of
whether it fits the case?

A. I say, I am following them.

Q. And I say, are you inclined to follow them, or is it just
a question of whether it fits the case?

A. I am inclined to follow them.

Q. All right. But you did not take time to read that pe-
tition, to see what it was, did you?

A. I took his word for granted.

1825 Q. Now, listen. Just answer the question. Did you
or not?

A. No.

Q. All right. Did you read the names on it?

A. I did, yes, sir.

Q. But you did not read what else was on there?

A. No.

Q. Do you know whether there was anything else on there
or not?

A. Sure, there was.

Q. Well, what was it, and how do you know?

A. There was two or three lines at the top, over the top of
the signatures, but I just looked at the signatures.

Q. All right. Now, what signatures were on there?

A. Well, there was Gus Canclakes.

Q. All right. Who else?

A. Pete Skarbalus.

Q. Yes. Who else?

A. There was Mary Reffer.

Q. Who else?

A. Alan White.

Q. Ellen or Alan?

A. Alan.

Q. Who else?

A. George Smith.

Q. George Smith?

1826 A. Yes, sir.

Q. Who else?

A. That is all that I can remember right now.

Q. How many names were on there, about?

A. Oh, I would say, at that time, there were about ten names on there.

Q. About ten?

A. Yes, sir.

Q. And you took occasion to look at each one of those names, but you did not see what was written in the typewritten lines?

A. Well, I just glanced over them.

Q. Well, what did they say?

A. Well, he told me.

Q. Never mind about that, now. What did the lines say? You say you glanced over them.

A. I didn't read the lines.

Q. You say you glanced over them.

A. I glanced over the names, the signatures.

Q. And you remember all of those names at this time, just from glancing over them?

A. I don't remember them all; I just gave you a few of them.

Q. You gave me six, did you not?

A. Five, I believe.

Q. All right. Five.

A. Yes.

1827 Q. And that was the only time that anybody ever talked to you about the question of organizing a union, was it?

A. Yes—

Q. Other than the C. I. O.

A. That is the only time.

Q. And that is everything that was said to you?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down.

(Witness excused.)

Mr. Walsh: Recall Joe Richveis.

JOE RICHVEIS, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh) Did you have a talk at one time with James Hall about belonging to a company union?

A. Yes, sir.

Q. Do you recall the date?

A. No, I don't remember that.

Q. You have just heard Mr. Zelenick testify here, have you not?

A. Yes, sir.

Q. Was it at the same time that he talked about—

1828 A. Yes.

Q. —the same time that he talked to Zelenick, about a company union?

A. Yes, sir.

Q. Where did this talk take place?

A. Right in the factory.

Q. In your department?

A. Yes, sir.

Q. What department is that?

A. That is the Wire Department.

Q. What did Red Hall say to you, and what did you say to Red Hall?

A. Well, he came over to me and asked me if I wanted to join a company union, and I told him no. He says, "Why not?" I says, "Because I belong to one union, and I don't want to belong to another."

Q. Did he say anything else, or did you say anything else at that time?

A. No.

Q. Did he have a paper in his hand?

A. He did.

Q. Did you read that paper?

A. No, I didn't.

Q. Did you look at it at all?

A. No.

1829 Q. Do you know whether Red Hall was an officer or
or a foreman of the company at that time?

A. Well, I heard them say around there that he was a
foreman, but I couldn't swear to it. I don't really know
if he was a foreman or not, actually.

Q. He was not in your department, was he?

A. Sir?

Q. He was not in your department?

A. No, he wasn't.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele) That is all you know about that in-
stance, is it?

A. Sir?

Q. That is all you know about that incident?

A. Yes, sir.

Q. That is everything you know about it, that you saw or
heard at that time and place?

A. What do you mean, what I heard?

Q. I say, that is all you know; that is everything that took
place there at that time?

A. Yes, sir.

Mr. Keele: That is all.

Trial Examiner Dudley: That is all.

(Witness excused.)

1830 Mr. Walsh: Recall Steve Luczo.

STEVE LUCZO, recalled as a witness for the National La-
bor Relations Board, being previously duly sworn, testi-
fied further as follows:

Direct Examination.

Q. (By Mr. Walsh) Mr. Luczo, did you have a talk with
Red Hall about a company union at one time?

A. Yes, sir, I did. He came around after the committee
was in the office the first time, September 10th; Mr. Hall come
around with a plank, and I couldn't read it, because I didn't

understand it, but I see it was on company paper, like from the office, printed on the typewriter; and he told me "Steve, sign that for a company union." That was in the shop, during working hours. I answered, "Why don't you wait, now! The committee was in the office. Why don't you wait until they can have a meeting, and then make a motion, to find out what the rest of the boys want, if they want the C. I. O., or a company union?" At the same time Mr. Schardt passed by—he was my boss,—and he says, "Steve, you better sign this." That's all I know.

Q. Mr. Schardt said that?

A. Yes, sir; Mr. Schardt passed by just at that time.

Q. Then what happened?

A. Well, then he walked up to another man, and I ain't sure exactly what he said, but he shook his head at him. 1831 and he don't ask no questions, but that fellow just write his name down.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) What did you say Schardt said? Just tell us again what Schardt said to you?

A. I was talking to Mr. Hall, foreman on the fourth floor.

Q. Yes.

A. And he asked me to sign for a company union, to build up the company union.

Q. Yes?

A. And I says "Why don't you wait for a meeting, and then make a motion, to see what the boys want"—

Q. Just a moment.

A. (Continuing) "Make a motion in the meeting, and find out which way they want to go, company union or outside union."

Q. Yes?

A. And at the same time Mr. Schardt passed by, and he told him about it, and he says, "Steve, you are better off if you sign for the company union." Then he walked away from me, and he go to another man, and I don't exactly know what he says to him, but he shake his head, and when the foreman of the fourth floor go there, he sign with no question; he don't read it at the top, to see what it means.

Q. Is Schardt your foreman?

1832 A. Yes.

Q. Did you see what was printed on it?

A. I saw it was printed like official of the company.

Q. Do you mean by that, that it was on the letterhead of the company?

A. Yes.

Q. On the stationery of the company?

A. Yes, because with other stuff they don't go around in working hours.

Q. You did not see what was on the top of it?

A. I didn't read it.

Q. You did not read any of it?

A. I didn't read it, no.

Q. You did not read what was on there?

A. He told me what it was.

Q. You only know what he told you?

A. Well, I didn't ask him, because I didn't pay no attention. I know what a company union means. I used to be in a company union.

Q. How many names were there on the petition?

A. At that time?

Q. Yes.

A. Oh, I don't know; I didn't check it.

Q. Did you see how many names there were on there?

A. There was a bunch already.

1833 Q. A bunch on then?

A. And he go to every man in the shop during working hours.

Q. What is that?

A. During working hours, he go right around in the shop to each man, at his bench, where he is working, on his machine.

Q. You saw him go to all of the men in your department, did you?

A. Yes, all of them; he goes to every man.

Q. Did you see him go into any other department with that paper?

A. Well, I have got to work, you know. I can't follow him up, around, to see where he goes.

Q. You did not hear any more about it after September 10th, did you?

A. That one? No.

Q. You did not hear another thing about it, did you?

A. No.

Q. You did not sign it, did you?

A. Who?

Q. You did not sign the petition?

A. Yes, I do sign it.

Q. You did not?

A. I do.

Q. Oh, you signed it, too?

A. Yes, sir.

1834 Q. After Schardt told you to sign it, you signed it. is that correct?

A. Yes, sure, because he say that I will be better off.

Q. Nearly everybody else signed it, did they?

A. I know just four that didn't.

Q. Just a few who did not?

A. Four or five or six; I don't know exactly.

Q. Who did not?

A. That didn't sign.

Q. Who did not sign?

A. The rest of them were scared.

Q. Did everybody else sign it?

A. Yes, sir.

Q. Do you mean that there were a couple of hundred signatures on it?

A. No, even in the whole plant they haven't got a couple of hundred, so far as I know.

Q. Well, you do not know very much about the plant, then, do you?

A. Oh, yes, I think I know pretty good. I worked there eight years.

Q. Well, you ought to know, then, that there are more than 200, at least. But were there a couple of hundred signatures on there?

A. No.

1835 Q. 100?

A. No.

Q. 50?

A. At that time, they was just beginning.

Q. Just beginning?

A. Yes.

Q. Just started to fill it out?

A. Yes, around one-thirty or two o'clock in the afternoon.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Recall Orville Romppaine.

ORVILLE ROMPPAINE, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh) Mr. Romppaine, at some time did you have a talk with Mr. Schardt about a company union?

A. Yes, sir.

Q. Will you tell the Examiner when it was, where it was, and what was said?

A. Well, to the best of my knowledge, it was around the 10th of September. I worked nights, in the Wire Department then, and about nine o'clock in the evening, or so, some-1836 where between eight and nine, Mr. Schardt came out with that petition, and asked me to sign it. I asked him, how did the shop react to it. "Well" he said, "the last I heard, most of the shop has signed it."

Q. Yes?

A. So he told me it would be better for me if I signed it.

Q. Did you sign it?

A. Yes, sir.

Q. Do you know what it said on that petition?

A. I didn't pay any attention to the heading on it at all. He said it was for a company union, and I took his word for it.

Q. Did you ever hear anything further of it?

A. Well, a few days later I received—I think it was either a letter, or a book; I can't remember for sure just which it was, now—explaining the whole thing.

Q. Was that a paper like the one that has been introduced in evidence here, marked Board's Exhibit No. 15? Is that what you received?

A. Yes, I think it is.

Q. And that came to you in the—in a plant envelope, did it not?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

1837 Q. (By Mr. Keele.) Had you joined Lodge 66 at that time?

A. Yes.

Q. You had?

A. Yes, sir.

Q. When did you join Lodge 66?

A. I believe it was—wait a minute now.

Q. All right.

A. In August, I think, I joined it. I know I belonged to it, and I think I joined in August.

Q. And it was in September that this petition was brought around, was it?

A. Yes, sir.

Q. And after that one petition was brought around, you did not hear any more about that plan, did you?

A. Except that letter.

Q. Except the letter?

A. Yes.

Q. Nobody ever asked you again to join—

A. No.

Q. —or sign a petition?

A. No.

Q. Nobody asked you to withdraw from the C. I. O.?

A. No.

Q. And that is all you know about any attempt of the company to organize another union?

1838 A. That is all I know.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Walsh: Recall Clarence Dreyer.

CLARENCE DREYER, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) At one time, Mr. Dreyer, did you have a talk with Mr. Anselm about joining a company union?

A. Yes, sir.

Q. Will you tell the Examiner when it was, and where it was?

A. I believe it was on the 10th of September. I was on the committee that went over to the office to see Mr. Anselm, and at that time he passed out this Employee Representation Plan, in book form; and he asked us to read it

over, and he said he had a plan in his mind that he would offer us, which would be based on the order of the one in the book.

He did not say definitely what it was going to be, but he said that it would be on the order of the book form that he gave us. He gave us each a copy, and told us to take it back to the plant, and show it to the employees, and let them read it over.

1839 Q. Did you have a conversation later in the plant about it?

A. Well, not about that book that he gave us, no, sir. The conversation was—

Q. Did you have a talk with him about a company union in the plant?

A. I don't believe I did.

Q. I believe you testified the other day about a conversation that you had in the plant with Mr. Anselm.

A. Yes, sir. That conversation that I had in the plant was over that petition that he had.

Q. What was the—

A. The argument was about signing that petition.

Q. What was the petition for?

A. Well, the petition was, to my knowledge, about that plan that he had offered us in the previous meeting, in the office that morning.

Q. That is, about the employees representation plan that he had talked about in the morning?

A. Yes, sir.

Q. Did he ask you to sign the petition for the employees representation plan?

A. I won't say for sure whether he did or not, because I was called into a discussion that he was having with another man at the time, and the discussion was about signing that petition.

1840 Q. The discussion was with Daluga, is that right?

A. Yes, sir.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) When was that conversation?

A. How?

Q. When was it?

A. What conversation?

Q. The one that you have just referred to.

A. The one in the plant?

Q. Yes.

A. Well now, I believe that was shortly after dinner on the same day that we were over to the office.

Q. Well—

A. That is, if I remember rightly.

Q. Well, about when was it?

A. Well—

Q. What date?

A. I am pretty sure that it was the 10th of September.

Q. Very well. Who else was there?

A. Well, the only one that was close enough to hear what we were talking about, to my knowledge, was Daluga.

Q. Daluga?

A. Leo P. Daluga, yes, sir.

Q. And what was said by—was it Mr. Anselm?

1841 A. Mr. Anselm, yes.

Q. What did he say?

A. Well—

Q. Not what you thought he said, or anything like that, but what did he say?

A. Well, at the time I was called—

Q. No, no.

A. At the time I was called into the discussion—

Q. No. Now listen. If you want to make an explanation later, you may do so, but I am not asking you a perfectly simple question. You talked to Anselm—or Anselm had a talk with you; is that right?

A. He was talking to another man.

Q. All right.

A. And I was called into the discussion.

Q. All right. Now, what did you hear Anselm say?

A. I can't tell you the exact words he said, but the discussion was about signing that petition—

Q. No, no. I object to that. I am asking you, what did he say, not what it was. There might be some difference of opinion about that. But what did he say, as near as you can remember, giving it in your own words?

A. When I got there, he was asking Daluga why he wouldn't sign; why he couldn't sign that petition.

Q. All right. Then did he say, "Why can't you
1842 sign that petition?"

A. Yes.

Q. All right. What else did he say?

A. I can't remember exactly the words.

Q. Well, give it in substance, about what he said; not what you thought he said, but what he said.

A. He said after that discussion—after Daluga had told him about not being able to sign that petition because he already belonged to one union—Mr. Anselm said, "Well, I won't bother talking to the rest of the boys in here, but I will be back later on in the day with this petition."

Q. All right. Does that, now, represent everything that Mr. Anselm said on that occasion?

A. As near as I can remember, that is all I remember of him saying while I was there.

Q. Yes, of course.

A. That's all.

Q. As near as you can remember.

A. Yes.

Q. That is all you can remember of his saying on that date, is that right?

A. Yes, sir.

Q. Now, did he say anything to you specifically?

A. No.

Q. Did he direct any remarks to you?

1843 A. Not directly to me.

Q. And that was on September the 10th, 1936?

A. As near as I can recall.

Q. And did Mr. Anselm talk to you about the same subject matter again after that time?

A. No.

Q. Did he talk to anybody else in your presence about the same subject matter?

A. Not in my presence, no.

Q. When did you join the C. I. O., yourself?

A. In July 1936.

Q. And from the time you joined it, up to the date of February the 17th, you were not discharged?

A. No.

Q. And your job was not changed?

A. The job itself was not changed, no, sir, but there were changes made in the rates of pay, and things like that.

Q. There were some increases, were there not?

A. No, they were decreases.

Q. Some decreases?

A. Yes, sir.

Q. Were there not also some increases?

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A. Yes, there was increases also, but the increases didn't make up for the decreases.

Q. Well now, let us see about that. There were some 1844 decreases, you say?

A. Yes.

Q. And there were also some increases; is that right?

A. Yes, sir.

Q. Do you know any of the group whose names you have mentioned, whom Mr. Anselm talked to, who were discharged after September 10th?

A. No.

Q. They were all working on February 17th, 1937, were they not?

A. Yes, sir, to my knowledge—the men in my department were.

Q. As far as you know.

A. Yes.

Q. The men you saw daily were there; that is correct, is it not?

A. Yes, sir.

Q. And there was nothing more said to you about that subject matter?

A. Not personally, no, sir; not that I know of, there wasn't.

Mr. Block: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: You may step down.
(Witness excused.)

Mr. Walsh: Recall Raymond DuBois.

1845 RAYMOND DU BOIS, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. DuBois, did you have a talk with Mr. Henry at any time about joining an employees representation plan?

A. Yes, sir, I did, but not directly on that matter?

1846 Q. Well, supposing you just tell us about when it was, and what he said?

A. It was about the 1st of September, or somewhere in

that neighborhood. I was downstairs, setting up a machine, a punch press, and there was a fellow downstairs there that was standing by the side of the machine, and we was talking to one another and the subject was quite a little of the union; and I presume that got back into the office some way or other.

Mr. Block: Well, now, that is objected to.

Q. (By Mr. Walsh.) All right, all right. Just tell us what happened, and never mind what you thought about the matter.

A. Well, it wasn't very long after that until my foreman, Jack Welch, came up and told me—he says, “Now” he says, “when I send you downstairs, or anywhere around” he says, “don't be talking union.” And I says, “All right, Mr. Welch” I says, “I didn't intend to take any active part in the union, but whenever a fellow asks me a question, I intend to be civil.” And I asked him, I says, what was the reason that I was called on the pan? “Well” he says, “for talking union.” “Well” I says, “I am sorry; but” I says—

Q. By the way, had your conversation about the union, downstairs, been overheard by any person other than the one to whom you were speaking?

A. I don't think so.

Q. To whom were you talking.

1847 A. I can't tell you his name, but—

Mr. Keele: I supposed that would be the answer; that is the logical answer.

Q. (By Mr. Walsh.) It was Johnson, was it not?

A. No; it was a fellow with a long nose.

Mr. Block: With a long nose or a long face.

Mr. Keele: Swanson.

Q. (By Mr. Walsh.) I will ask you whether it was Johnson, to whom you were talking?

A. No, it was not.

Q. It was not Johnson?

A. It was a fellow that helped with the furnaces down there, Stricklen and the other fellow.

Q. Well, all right. Go ahead.

A. (Continuing.) So it wasn't long before I was sent downstairs again, and I ran into Mr. Henry, and I says, “Mr. Henry, I told you before that I didn't intend to take any active part in the union, and so far I didn't intend to. But, Mr. Henry,” I says—I told him, “I was trying to be courteous” I says, “to the man”; and I says, “Why call me on the pan?” I says, “Mr. Henry, everybody is afraid of losing their job

if they take any active part in the union. Now" I says, "I have tried to be on the level." "Well he says, do you belong to the union now?" And I says, "Yes." "Well" he says, "Do you think that that is right?" He says, "You had 1848 union trouble before, didn't you?" And I says "Yes." "Well" he says, "The company gave you a chance. Do you think that is fair?" And I says, "Well, Mr. Henry" I says, "as I told you, I appreciate my job and all that. But" I says, "if the rest of the boys want to belong to the union, I intend to belong too." I says, "I want to do whatever the men do and stick with them." "Well" he says, "we have got the Social Club"; and he says, "I wouldn't think it would be very fair, after the company gave you a chance." And I says, "Well," I says, "Mr. Henry" I says, "I don't know that they was giving me any more chance than they would anybody else, as long as I do my work."

And that was about all there was about that subject at that time.

Q. Well, did you later talk to him about a company union?

A. No.

Q. Or an employes' representation plan?

A. No, I didn't.

Q. Well, did you talk to Mr. Anselm about a company union at the time?

A. Yes.

Q. Or an Employes' Representation Plan?

A. Yes, sir. There was a time down there a little bit later when Frank Moxey was standing right in front of my tool box, and Mr. Anselm was standing there talking to him; 1849 and I went up to my tool box for some tools, and Mr. Anselm turned around and looked at me, and he says, "Have you read this"—and he presented to me the contract that was given to him by the union. And I says, "Yes, Mr. Anselm", I says, "I have." "Well" he says, "I have something much better than that." He says, "I can give you all that this calls for, with the exception of paragraph No. 1, which is union recognition." And I says, "Well" I says, "I want to be fair with the company and myself, and the rest of the people that is involved". And he says, "Well" he says, "did you ever see anything like this?" And he handed me a copy of practically the same thing as the Employes' Representation Plan from the wire mill; and I had another copy of it at that time; one of those little blue books that we had from the wire mill. I handed him that, and I says

"Mr. Anselm" I says, "that is the same as this, isn't it," I says,— "The Employees' Representation Plan?" And he says, "I don't know." So he referred to it, and I told him, I says, "No, Mr. Anselm" I says, "I wouldn't consider anything like that, because there is a clause in the back of it that says that any clause in here can be turned down by the company, or something to that effect." And I says, "Before I would sign up with a company union like that" I says, "Why, I would be on the picket line tomorrow morning."

Q. Did you have any further talk with him?

1850 A. No, sir. He took both of the papers and beat it downstairs then. He didn't even stop.

Mr. Walsh: You may inquire?

Cross-Examination.

Q. (By Mr. Keele.) He was frightened do you think, was he?

A. Pardon me?

Q. You thought he was frightened at something, did you?

A. No, sir. I just thought he was a little bit sore at me. I didn't know.

Q. Well, you did not join the union or the plan suggested, did you?

A. No, I didn't.

Q. And you were not discharged there until February, were you?

A. No.

Q. You kept right on?

A. I didn't consider myself ever discharged.

Q. You have never been fired, or discharged?

A. I didn't so consider myself.

Q. I see. Now, as I understand it, Anselm was not talking to you, but he was talking to Frank Moxey at the time, was he not?

A. Frank Moxey and myself were both right there, and when I came up and started to get some tools out of my tool box, Mr. Anselm turned to me and handed me that 1851 paper, and asked me if I had ever seen it.

Q. And the rest of his remarks he directed to you, is that right?

A. Well, yes, sir, in general; to some extent it was directly at me, but in general.

Q. You thought he was talking to you?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step down.
(Witness excused.)

Mr. Walsh: If the Examiner please, I suggest that the hearing be adjourned at this time until 9:30 in the morning.

Trial Examiner Dudley: The hearing is adjourned at this time until 9:30 tomorrow morning.

(Whereupon, at 5:10 o'clock p. m., Thursday, June 17th, 1937, the above-entitled matter was adjourned until Friday, June 18, 1937, at the hour of 9:30 o'clock a. m., in the Court Room of the Circuit Court of Lake County, Waukegan, Illinois.)

1855 . BEFORE THE NATIONAL LABOR RELATIONS BOARD.

* * (Caption—XIII-C-80) * *

Circuit Court Room, County Building,
Waukegan, Illinois
Friday, June 18th, 1937.

The above-entitled matter came on for further hearing pursuant to adjournment, at 9:30 o'clock, A. M.

Before:

Tilford E. Dudley, Trial Examiner.

Appearances:

William R. Walsh, Regional Attorney, on behalf of the National Labor Relations Board.

Levinson, Becker, Peebles & Swiren, Suite 2525, One North La Salle Street, Chicago, Illinois, by Max Swiren, Harold M. Keele, Suite 2525, One North La Salle Street, Chicago, Illinois; and Sidney H. Block, Waukegan, Illinois, on behalf of Fansteel Metallurgical Corporation.

Lester Collins, Waukegan, Illinois, on behalf of Lodge 66, Amalgamated Association of Iron, Steel and Tin Workers of North America.

1856

PROCEEDINGS.

Trial Examiner Dudley: I will call the hearing to order. You may proceed.

Mr. Walsh: If the Examiner please, I would like to interrupt the particular phase we are now in, and go back to the testimony of one witness whom I now have available, Joe Lima, who falls in group 2 of the various employees.

Trial Examiner Dudley: Very well.

Mr. Walsh: Joe Lima.

JOSEPH A. LIMA, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your full name.

A. Joseph A. Lima.

Q. Talk up so the folks back there can hear you.

A. Joseph A. Lima.

Q. What is your address?

A. At present?

Q. At present.

A. I have been present for the past month or so up in Rhinelander, Wisconsin.

Q. I just now served you with a subpoena to appear in this case, did I not?

A. Yes.

Mr. Swiren: What is his address?

1857 Q. (By Mr. Walsh.) What is your address again?

A. Rhinelander, Wisconsin.

Q. Rhinelander?

A. Yes.

Mr. Walsh: My co-counsel is not here this morning. I will ask the Examiner to explain to the witness his privileges under the Act.

Trial Examiner Dudley: Mr. Lima, do you wish the privilege extended to you of immunity from prosecution by reason of any act about which you may testify?

The Witness: Yes.

Trial Examiner Dudley: The privilege is granted the witness.

Q. (By Mr. Walsh.) How long were you employed by Fansteel?

A. I was employed since August 14th, 1936.

Q. What was your job?

A. I was working in the molybdenum reduction, until just about two days before the strike was called. I asked for a transfer to the sintering building, and I was being broken in there.

I didn't assume any duties there yet. I was still learning

Q. When did you join the union?

A. In November, 1936.

Q. What was your hourly rate of pay?

1858 A. At the time I entered the employment, or at the time of the strike?

Q. No. At the time your employment ceased, I am referring to.

A. I was getting 49 cents an hour.

Q. How many hours a week did you work?

A. 40 hours a week.

Q. What did your weekly paycheck amount to, or your weekly pay?

A. Eight times 49.

Q. Approximately \$20.

A. Approximately, yes.

Q. When did you draw your last pay from the company?

A. I drew my last pay I think it was on the 5th; it may have been a couple of days after that, the 5th of March.

Q. Did the company take up your pass at that time?

A. No, they did not.

Q. Did you talk to anybody about returning to work at that time?

A. No, I did not.

Q. How much have you earned since February 26th?

A. I have earned nothing. I have been working with my father on the little farm that he has there, and it has been no income at all.

Whatever I have done has been toward a crop this next fall, which may or may not turn out.

1859 Q. Were you one of the men who occupied the buildings of the company—

A. No.

Q. —from February 17th to February 26th?

A. No, I was not.

Q. Did you report for work on the 17th of February, 1937?

A. On the 17th?

Q. Yes.

A. Yes.

Q. Why did you not go to work?

A. Well, I came there—

Mr. Walsh: I will withdraw that question.

Q. (By Mr. Walsh.) What time did you report for work?

A. I reported—it must have been just about ten minutes to three when I reported.

Q. Were you on the night shift?

A. Yes.

Q. Who did you talk with when you reported to work?

A. I rode down with—let's see. I took a street car down. I don't remember who my partner was for the day.

We went to the gate, and we met another fellow that had just been turned back from the gate. The three of us went to the gate, and they told us we couldn't get in.

Q. Who told you, the watchman, or the guard?

A. The watchman at the gate.

1860 Q. Did he tell you why you could not get in?

A. No. He told us that they were closed, and they weren't letting the men through.

Q. Did he tell you to report later for work?

A. I had no notice of that nature.

Q. Did you later return to go to work?

A. No.

Q. During the time that you worked there did you have any criticism made of your work?

A. I had none made to me at the time.

Q. Did your foreman ever criticise the way you did your work?

A. As I was bringing in the man, we had one night's run that was very poor. He asked me to check on that, and be cautious of that again.

Q. That was a night run of what?

A. Molybdenum powder that we were reducing.

Q. That was during the time you were bringing in a new man?

A. Yes.

Q. Did you receive any raises between the time you entered the company's employ and the time you ceased work?

A. Yes.

Q. What raises were those?

A. I was raised four cents first, and then I was raised five cents later.

Q. Now, that five cent raise was the general five 1861 cent raise that went through the plant?

A. That was the general five cent raise that went through the plant.

Q. Now, during the progress of this strike, did you take any active part in the work of the union?

A. Yes. I was on the outside in the picket line, just to see how things were going.

Q. How long did you serve on the picket line?

A. Well, from the time the strike started until some time in April. I just don't remember the date.

Q. Did you ever make any individual application to return to work?

A. No, I did not.

Q. Would you return to work at the factory now under conditions you think ought to exist?

Mr. Swiren: That is objected to, unless the conditions are specified, so we know what the answer is.

Mr. Walsh: I will reframe the question.

Q. (By Mr. Walsh) Would you return to work at the plant if all the rest of the fellows went back to the plant to work, and the union was recognized?

A. If the union was recognized, I would return to work.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele) Did you take supplies down to 1862 the men that were in the building?

A. Any supplies?

Q. Yes.

A. Yes.

Q. What did you take down?

A. I took down sandwiches.

Q. Did you take anything else down? Did you take any bedding down?

A. No.

Q. Did you take any cigarettes down?

A. No.

Q. Any stoves?

A. I believe at one time I took some flashlight batteries also.

Q. Flashlight batteries?

A. Yes.

Q. Did you take any oilstoves—

A. No.

Q. —or kerosene stoves down there?

A. No.

Q. Are you sure you did not take anything else down there?

A. I took nothing else down there.

Q. How many days were you down there?

A. I was down there every night during the period.

Q. You knew that an injunction had been issued ordering those men out of the buildings, did you not?

A. Yes.

Q. Yet you were assisting those men to stay in the buildings, were you not?

A. I was working with those men, and everything that had been passed in there had gone through the inspection of the officers, so I considered that it was no violation.

Q. That is all right, but I want you to answer the question.

A. Yes.

Q. You were doing it to assist those men to stay in there?

A. Yes.

Q. In spite of the fact they had been ordered out of there by a court order?

A. Yes.

Q. Is that correct?

A. Yes.

Q. You do not know what the value of your services will be for the work you are doing now, do you?

A. (No answer.)

Q. You do not know, in other words, what you will receive?

A. No.

Q. You will have to wait until this fall, until the crops mature, and see what they sell for?

A. Yes.

Q. That is a permanent job you have there, is it not?

1864 A. It is not a permanent job.

Q. You can stay there as long as you want, can you not?

A. I could stay there. It is on my father's place. I have no reason to be chased out.

Q. You intend to stay there at the present time for an indefinite period of time?

A. I plan to stay there until I get employment back at the plant.

Q. You made no application—

A. No.

Q. —to the company—

A. No, I haven't.

Q. —for reemployment?

A. No.

Q. And if you had been offered reemployment, you would not have gone back without the return of all the men?

A. I would not have gone back without a union contract.

Q. I say, you would not have gone back without the return of all the men, is that correct?

A. I would have not gone back without the return of all the men, yes.

Q. That is regardless of the reason for their discharge, or whatever conditions may have existed in the plant at that time, is that right?

A. If we was under a contract, that would have been considered—

1865 Q. Answer the question. Do not try to give me any speeches on union contracts.

I say, would you have gone back there unless all the men had been taken back?

A. No, I wouldn't.

Q. You mean by that, regardless of the conditions that existed there, or for what reason they were discharged, they would all have to be taken back, those that were in the plant, before you would go back?

A. All of those with the union, that were in the union.

Q. All of those that were in the union?

A. Yes.

Q. I did not get the amount of money you were making at the time of the strike on February 17th. What did you say your average pay checks were?

A. I was getting 49 cents an hour.

Q. What did that figure out per week?

A. I have not figured it out exactly. I can remember what my checks were at the time. It ran about \$20.

Q. About \$20?

A. Somewhere in that neighborhood.

Mr. Keele: That is all.

Mr. Walsh: That is all. I have found another person who properly falls in group 1. I would like to put him on at this time.

1866 Trial Examiner Dudley: Very well.

Mr. Keele: Just a minute. I would like to ask Mr. Lima one more question.

Trial Examiner Dudley: Just a moment, before you go, Mr. Lima.

The Witness: All right.

Q. (By Mr. Keele.) You were never discharged by anyone, were you?

A. No.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Frank Moxey.

FRANK MOXEY, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) Your name is Frank Moxey?

A. Yes.

Q. Where do you live?

A. 1722 Jenkins Court.

Q. You were just served with a subpoena to appear here, were you not?

A. Yes.

Mr. Walsh: May I ask the Examiner to advise the 1867 witness of his privilege under the Act?

Trial Examiner Dudley: Mr. Moxey, do you wish to claim the privilege of immunity from prosecution for any acts about which you may testify in this hearing?

The Witness: I don't exactly understand just what you mean?

Trial Examiner Dudley: Ordinarily, in the courts when questions are asked a man, he can refuse to answer those questions if he thinks that testimony can be used to get him into legal trouble later.

However, the Wagner Act provides you must answer such questions in this court, but nevertheless you will be excused or made safe against prosecution for any acts you may testify to.

Do you wish that protection?

The Witness: Yes, I think I do.

Trial Examiner Dudley: The privilege is granted the witness.

Q. (By Mr. Walsh.) Mr. Moxey, how long were you employed by Fansteel?

A. 21 years last September.

Q. What was your job?

A. Toolmaker.

Q. You worked in the tool room?

A. Yes, sir.

Q. When did you join the union?

1868 A. Well, I think it was in September. I am not sure. I haven't got my card.

Mr. Swiren: Speak up a little louder, please. I cannot hear you back here.

Mr. Walsh: Speak a little louder.

The Witness: In September.

Q. (By Mr. Walsh.) 1936?

A. Yes. I'm not quite sure, but I think so.

Q. What was your hourly rate of pay?

A. 92 cents an hour.

Q. How many hours a week did you work?

A. Well, 40 hours was our regular week.

Q. What did your weekly pay amount to?

A. I don't know exactly. You can figure it out at 92 cents an hour. I think it was about \$7.36 a day. That would figure out about \$36 or \$37 a week.

Q. When did you draw your last pay from the company?

A. February 5th.

Q. February 5th or March 5th?

A. February 5th.

Q. February 5th?

A. Yes.

Q. Were you one of the men who was in the buildings?

A. Yes.

Q. Did you not draw a paycheck after you got out
1869 of the building?

A. No, I never drew it yet.

Q. You have not drawn it yet?

A. No.

Q. The company still owes you for that last half month's work, is that right?

A. Yes.

Q. Plus two days?

A. Yes.

Q. Did you turn your pass into the company?

A. No, I still have it.

Q. Now, at the time the work stopped on February 17th, did the management ask that the work be stopped?

A. Well, they just said there was a strike, and they was going to shut down. That is all I know about it.

Q. As a matter of fact, the work stopped because the men took over the buildings, is that right?

A. Yes.

Q. Have you been offered reemployment by the company?

A. Well, Mr. Groll was up to see me, my foreman, once.

Q. Did you ever talk with him about returning to work?

A. Yes.

Q. What did he say to you, and what did you say to him?

A. He told me if I would come back he could get me my job back, just the same as I had before.

1870 Q. You did not want to go back, is that right?

A. Well, I didn't know for sure—

Mr. Swiren: Speak louder, please.

Mr. Walsh: Keep your voice up.

The Witness: I didn't know for sure whether that was right or not, so I didn't go back. I had heard some didn't get their jobs back as they was promised, so I didn't know what to think about it.

Q. (By Mr. Walsh.) Did you say you have been out of the city for a while just preceding this time?

A. I was away for two weeks. I was called away on account of my mother having a bad fall.

Q. You would return to the plant if all the rest of the men returned to the plant, and the union were recognized, is that right?

A. Yes.

Q. Were you one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. Yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Block.) Mr. Moxey, how long did you work for the company?

A. 21 years.

Q. I mean, before February 17th.

1871 A. How is that??

Q. Before February 17th, 1937, how long had you worked for the company?

A. Well, it was 21 years last September.

Q. When did you join the union in question?

A. I think it was in September.

Q. After you joined the union you retained your same position there; they did not change your job, did they

A. No.

Q. You received the same pay or more, after that?

A. No; the same.

Q. Was there some increase?

A. No. I didn't get any.

Q. You received no increase?

A. No, sir.

Q. You received no increase when the others did?

A. No.

Q. You did in November, did you not?

A. No, sir.

Q. Let us understand each other. You say you did not participate in the general increase in November?

A. November?

Q. Yes; or are you not sure about that?

A. I am quite sure I didn't. I don't remember exactly, but I am pretty sure I didn't.

1872 Q. Anyway, before you joined the union, what were you doing in the plant?

A. Well, I was a tool maker.

Q. Where were you working?

A. In the tool room.

Q. That is, in which building?

A. No. 3.

Q. How long had you worked there?

A. 21 years.

Q. After you joined the union, what were you doing then?

A. I was working in the tool room.

Q. You continued to work there until February 17th?

A. Yes, sir.

Q. On February 17th you voluntarily ceased work, did you not?

A. Yes, sir.

Q. That is, you were not laid off or ordered by the management to quit work or to leave the buildings?

A. No.

Q. You voluntarily with a group of other men ceased work, is that right?

A. Yes, sir.

Q. You joined the other men who sat down and kept those buildings?

A. Yes.

Q. For the period beginning February 17th to February 26th, is that right?

A. Yes.

Q. You were in those buildings, Mr. Moxey, during the time the sheriff came there on two occasions trying to evict the men who were keeping the buildings?

A. Yes.

Q. You knew about it, did you not?

A. Yes.

Q. You refused to leave, although you knew about an injunction that the Circuit Court of Lake County had issued ordering the men to leave the building?

A. I knew there was an injunction.

Q. Yes. You and the others refused to leave?

A. Yes.

Q. Because of your occupancy of the premises and the buildings, the plant could not be operated and was not operated, is that right?

A. Yes.

Q. After you were evicted on the 26th of February, you left there and went home?

A. Yes, sir.

Q. Then you went out of town, did you?

A. No, I went home.

Q. You went home?

A. Yes.

1874 Q. Some time after that did you leave town?

A. I was up in Menomonee, Michigan, for a visit.

Q. You went somewhere for a visit?

A. Yes.

Q. When did you return?

A. Well, I was gone about two weeks.

Q. You never applied for reemployment yourself?

A. No, I didn't.

Q. Since that date, February 17th, when you ceased work, you have not gone back to the plant at all?

A. No.

Q. You have not made any effort to get a job back there?

A. No.

Q. As a matter of fact, the company came to you and offered employment, and said that you could have your same job back, did they not?

A. Well, my foreman.

Q. Yes. Who was he, by the way?

A. He is the foreman in the tool room.

Q. Was he your foreman?

A. Yes.

Q. When did he offer you that employment?

A. Well, I think that was around April—about April 7th or 8th. I couldn't say exactly.

Q. 1937?

1875 A. Yes.

Q. You refused to go back?

A. Yes.

Q. He told you you would get your same job back?

A. That is what he told me, yes.

Q. Yes. You did not go down there and talk about it any further?

A. No.

Q. You did not go down to discuss it with the superintendent or anyone else at the plant?

A. No.

Q. You just stayed away from the plant entirely?

A. Well, yes. I haven't been there at all.

Q. Now, something was said about the company owing you some money for time prior to February 17th.

The fact is, you never called for your check, is that not right?

A. (No answer.)

Q. The fact is, the check is there for you, and you never called for it?

A. I suppose it is.

Q. And you never went down there to see?

A. No.

Q. What?

A. No, I didn't.

1876 Q. How much should your check be, or would it be, do you know?

A. I don't know exactly. I think somewhere around \$90.

Q. They have not refused to give it to you, have they?

A. No.

Q. You are not taking that position, are you?

A. I was going down several times, but I just didn't.

Q. It is just a matter of convenience, and when you can you will; is that what you mean?

A. Yes.

Mr. Block: I think that is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment.

Q. (By Trial Examiner Dudley.) Mr. Moxey, have you earned any money since you left the buildings on February 17th?

A. No.

Trial Examiner Dudley: That is all.

Mr. Walsh: That is all, Mr. Moxey.

(Witness excused.)

Mr. Walsh: I will recall Otto Latz.

Trial Examiner Dudley: Which group is this man in?

Mr. Walsh: We will return to the discussion of the company union now.

Trial Examiner Dudley: Very well.

Mr. Walsh: There may be, during the course of the trial, some of these persons that will show up. I regret that 1877 it occurs in that manner, but it is something I cannot help.

Trial Examiner Dudley: That is all right. Proceed.

Mr. Walsh: Otta Latz, take the stand, again.

OTTO LATZ, recalled as a witness for the National Labor Relations Board, being previously sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) Mr. Latz, did you take any active part in the solicitation of members for the employees' representation plan at Fansteel?

A. Yes.

Q. In the fall of 1936?

A. Yes, I did.

Q. Will you tell the Examiner about that, just what happened?

A. Well, Bill Schultz—

Q. Now, who is Bill Schultz?

A. He is secretary in the superintendent's office.

Q. He is secretary to Mr. Anselm, is he not?

A. Mr. Anselm, yes.

Q. What did Bill Schultz tell you, and what did you do?

A. Bill Schultz brought the petition in. I happened to be in the chemical building office, and he said, "Otto, you take this out for the fellows to put their names down on." He says, "They are under no obligation. If they want to sign, O. K. If they don't, it is all right."

1878 I told Bill I didn't want to go, and he said, "You go out anyway." I says, "O. K." So I took it around the plant, to all the employees in buildings 8, 9 and 2.

Q. Yes. Did a number of the employees sign the petition?

A. I think it was 18 or 23.

Q. You don't remember whether it was 18 or 23, is that right?

A. No.

Q. What were they signing a petition for?

A. It was for—I couldn't say exactly. I would say a company union.

Q. You would call it a company union, is that right?

A. (No answer.)

Q. Did the petition have any writing on the top of it, or any typing?

A. Yes.

Q. Do you remember what it said?

A. No.

Q. Was the petition on plain paper, or was it on the company's letterhead?

A. I don't remember that.

Q. What did you do with the petition after you had obtained the signatures?

A. I took it over to the superintendent's office.

Q. To whom did you give it?

A. I think it was Mr. Anselm.

1879 Q. Did you have any talk with Mr. Anselm when you gave it back?

A. Well, yes, I did. He says, "How many have you got?" I says, "18 or 23," I don't know just what it was.

Q. Whatever the number was, you told him?

A. I told him the exact number.

Q. Yes. Did you ever talk with either Bill Schultz or Mr. Anselm after that about it?

A. No, sir.

Q. Did you talk to any of the other officials of the company about the E. R. P., or the company union after that?

A. I don't think I did.

Q. Do you remember about what month and what day this was that you did that?

A. It was some time in the fall. I can't tell you the month or the date, or anything.

Q. It was some time in the fall of 1936, is that right?

A. Yes.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Latz, when Schultz gave you that petition, did you read what was on the petition?

A. Yes, I did.

Q. What did it say, in substance?

A. I can't remember just what it was.

Q. Was it—

1880 A. I had it—

Q. I understand that you cannot remember exactly what it was. What was the general idea of it, do you recall?

A. It was to organize a company union.

Q. Was it not, as a matter of fact, a petition asking how many were in favor of such a plan?

Was that not it?

A. Yes, something like that.

Q. How many were in favor of an E. R. P. plan, or a plan similar to that?

A. You mean, how many I got signed up?

Q. No. The object of the petition was to find out how many employees in the plant were in favor—

A. Yes.

Q. (Continuing) —of an E. R. P. as it was called, or an employees' representation plan, is that right?

A. Yes.

Q. When Schultz gave it to you, he did not tell you that you were to tell the men that they had better sign it, did he?

A. No, he didn't.

Q. He just said, "Otto, I wish you would take this out and see how many of the men want to sign"?

A. Yes.

Q. Is that about the substance of it?

A. He says, "If they want to sign, O. K., and if
1881 they don't, it is O. K."

Q. In other words, he was anxious to find out how many wanted such a plan?

A. Yes.

Q. Is that right?

A. Yes.

Q. When you went to them, you told them that Schultz said "You can sign if you want to, or you don't have to sign"?

A. Yes.

Q. You told them that Schultz and the management were anxious to find out how many men in the factory would like such a plan, is that right?

A. Yes.

Q. That was all the conversation you had with Schultz about that matter?

A. That is all.

Q. That is the substance of that conversation that you had with each man as you talked with him, is that right, as far as you were concerned?

You did not tell them anything about the fact that the company was anxious to get their names on it, did you?

A. No.

Q. Nothing was done about it after you turned that petition back, was there, that you know of?

A. No.

1882 Q. With reference to the men who signed that petition, none of those men were fired, or discharged?

A. Up until February, no.

Q. None of the men who refused or failed to sign were discharged until February, were they?

A. Not that I know of.

Q. No E. R. P. plan was put into effect in the plant, is that right?

A. What?

Q. No E. R. P. plan was put into the plant, or put into effect?

A. No.

Q. There was no effort made to put such a plan into effect, is that right?

A. No.

Q. In fact, you never heard anything more about it after you turned it back to Anselm, is that right?

A. Yes.

Mr. Walsh: That is all.

Mr. Swiren: Just a minute. I do not know whether that last answer is plain or not.

Mr. Keele: I do not know that the record properly reflects the last answer.

Mr. Reporter, would you read the last question and answer. (The record was read as above recorded.)

Q. (By Mr. Keele.) In other words, you mean by 1883 that that you did not hear any more about it after you turned the petition back to Mr. Anselm; is that correct?

A. How do you mean?

Q. I think I am confusing you a little. Did you or did you not hear anything more about that employees' representation plan after you turned that petition back to Mr. Anselm?

A. I don't think I did.

Q. That was the end of it, as far as you know?

A. Yes.

Q. Was there not considerable discussion going on throughout the plant about this time about various unions, and types of unions, craft unions, industrial unions, and so forth?

A. Yes.

Q. The men were talking about it, were they not?

A. Yes.

Q. There was some question as to just what kind of a union was wanted, is that right?

A. (No answer.)

Q. Various men had various opinions, did they not? You will have to answer out loud, so the reporter can hear you.

A. That is right.

Q. The reporter cannot get it when you nod your head.

A. All right.

Q. There were various discussions going on among the men out there about the type of union that was most desirable?

1884 A. Yes.

Q. They were talking about the CIO, the John L. Lewis union at that time?

A. Yes.

Q. They were talking about the American Federation of Labor?

A. Yes.

Q. The craft unions?

A. Yes.

Q. Some of the men knew that an E. R. P. was in effect

at the American Steel & Wire Company, did they not? There were discussions along that line, were there not?

A. They all should have known about it.

Q. You knew about it, did you not?

A. Sure.

Q. They were discussing various plans that best fitted the Fansteel Company, is that right?

A. I don't know.

Q. There was some discussion going on at that time?

A. There must have been.

Q. This petition that you were asked to take out through the factory was to determine whether or not the employees or some of them favored an E. R. P. plan, was it not?

A. Yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

1885 Trial Examiner Dudley: You are excused.
(Witness excused.)

Mr. Walsh: John Germer.

JOHN GERMER, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your name.

A. John Germer.

Trial Examiner Dudley: How do you spell it?

The Witness: G-e-r-m-e-r.

Q. (By Mr. Walsh.) What is your address, Mr. Germer?

A. 215 South Orchard.

Q. Waukegan?

A. Waukegan.

Q. You are employed by Fansteel?

A. Yes.

Q. What is your job down there?

A. Roller in the rolling mill.

Q. You were active in the organization of lodge 66, were you not?

A. I was.

Q. You became treasurer of the lodge, did you not?

A. I didn't accept the job.

Q. Well, you were the treasurer, were you not?

A. I didn't accept it. They offered it to me, and I 1886 refused it.

Q. Then you never acted as treasurer of lodge 66—

A. No.

Q. —is that right?

A. Yes.

Q. During the progress of the strike that was on down there you were one of the men who stayed in the buildings, were you not?

A. Yes.

Q. You stayed from the 17th until the 26th of February, did you not?

A. Yes.

Q. After you were finally driven out of the buildings some time later, you returned to work for the company, did you not?

A. Yes.

Q. What job did you get when you came back to the company?

A. The same job that I had before.

Q. That job was what?

A. In the rare metals, rolling rare metal.

Q. Some time after you returned to work, the Rare Metals Workers of America Local No. 1 was organized, was it not?

A. Yes.

Q. You were active in the organization of that lodge, were you not?

A. I was not.

1887 Q. What did you do? You became a member of that lodge, did you not?

A. Yes.

Q. Who asked you to join the lodge?

A. Mr. Sylvin.

Q. Mr. Sylvin?

A. Yes.

Q. When did he ask you to join it?

A. After all the boys joined it down there I joined with them.

Q. How many boys had joined it before you joined it?

A. I don't know.

Q. You do not know?

A. Just in my department, that is all.

Q. Just in your department?

- A. Yes.
- Q. Did all the boys in your department join it?
- A. Yes.
- Q. How was it determined that you were going to organize the Rare Metals Workers Union?
- A. I don't know.
- Q. You do not know that?
- A. No, I don't.
- Q. It was already organized before you joined, is that right?
- A. Yes.
- Q. On what date did you join the lodge?
- 1888 A. I don't remember just exactly what date it was.
- Q. Well, what month was it that you joined?
- A. (No answer.)
- Q. Was it in March?
- A. No. Some time in April, I think it was.
- Q. Was it the first half of April?
- A. Yes, I think it was.
- Q. Well, was it the first week in April?
- A. I think it was the last part of April.
- Q. The last part of April?
- A. Yes.
- Q. Was it after the pay day in April on the 20th, or was it before the pay day on the 20th?
- A. I couldn't say.
- Q. How much dues did you pay?
- A. We paid 75 cents to join.
- Q. Did you get a receipt for that money?
- A. They gave us a card.
- Q. Do you have your card with you?
- A. No, I haven't.
- Q. Will you bring that card here?
- A. Yes.
- Q. Now, did you have an election in the lodge?
- A. Yes.
- Q. When was the election held?
- 1889 A. I don't know just what date.
- Q. Do you hold any office in the lodge?
- A. No, sir.
- Q. Where were you when Mr. Sylvin asked you to join this lodge?
- A. We were in there one noon hour, down in the plant—
- Q. In the plant yard?

A. In our department, yes.

Q. Did you ever see any notice on the bulletin board about the lodge?

A. Just that there was a meeting.

Q. That there was a meeting called?

A. Yes.

Q. When was that meeting called for?

A. Well, I don't know. They wanted to elect different officers.

Q. Did you have a meeting to vote on whether you were going to have such a lodge or not?

A. Yes.

Q. Where was that meeting held?

A. It was held during the noon hour.

Q. Where was it held?

A. In building 3 and building 5.

Q. Now, which of the buildings did you go to?

A. I went to building 3.

1890 Q. You attended the meeting in building 3?

A. There wasn't a meeting; there was just a ballot box.

Q. Oh. They had a ballot box there?

A. Yes, just a ballot box.

Q. Where did you get the ballots?

A. They were just blank ballots.

Q. Blank ballots?

A. Yes.

Q. What do you mean by "blank ballots"?

A. Just a slip of paper that you could write "Yes" or "No" on.

Q. Is this one of them (Handing document to witness)?

A. Yes.

Q. That is one of them, is that right?

A. Yes.

Q. It reads as follows: "Do you as an employee of this company favor an independent labor organization."

Then there is a line, or several lines, and one place that says, "Yes", and one place "No", is that right?

A. Yes.

Q. Who distributed those ballots?

A. Well, there were several members that distributed them.

Q. Who?

A. Sylvin, the acting president at that time.

- Q. He was acting president?
- 1891 A. Yes.
- Q. What time of day did he distribute the ballots?
- A. During the noon hour.
- Q. During the noon hour?
- A. Yes.
- Q. What time did you vote?
- A. That was during the noon hour.
- Q. You of course do not know what happened over in building 5, do you?
- A. No, I don't.
- Q. You just know what happened in your building?
- A. Building 3, yes.
- Q. Where was the ballot box put?
- A. It was right in the lobby when you come in.
- Q. In the lobby of building 3?
- A. Yes, when you come in.
- Q. So after the men came back from the yard—
- A. Yes.
- Q. —from out in the yard—
- A. Yes.
- Q. (Continuing) —they voted right in the building, is that right?
- A. Yes.
- Q. Are there any women employees in building 3?
- A. Yes.
- 1892 Q. Did they also vote right along with the boys?
- A. I couldn't say. I didn't stay there very long.
- Q. I see.
- A. There was some there.
- Q. Do you know what day this ballot was had?
- A. No, I don't.
- Q. You do not know that?
- A. No.
- Q. Later did you attend a meeting at building 14, in the afternoon?
- A. Yes. I think I did, one meeting.
- Q. Do you know what time that meeting was held?
- A. That was held after working hours. It was after 3:30.
- Q. After 3:30?
- A. Yes.
- Q. Building 14 is inside of the fence, or outside of the fence, which?
- A. Outside of the fence.

Q. Outside of the fence?

A. Yes.

Q. That building is normally used by the Vascoloy Ramet Company, is it not?

A. Yes.

Q. How many people attended that meeting?

A. There was quite a few of them. I couldn't say 1893 how many there was.

Q. Who all were there? Just name the people you can think of who were there?

A. Just ourselves. They are all strangers to me now.

Q. They are all strangers now?

A. Yes.

Q. They are new fellows and new girls that have come on?

A. Yes.

Q. Were there some of the old fellows there?

A. Yes.

Q. Was Bill Schultz there?

A. No.

Q. He was not there?

A. No.

Q. Was Schardt there?

A. No.

Q. Simms?

A. Who?

Q. Was Simms there?

A. No.

Q. Was Pressler there?

A. No.

Q. Mr. Anselm was not there, was he?

A. No.

Q. Do you know what day that meeting was held on?

1894 A. I don't know just what day it was.

Q. Since the meeting that was held in building 14, have you held other meetings of the lodge?

A. I think they have, but I didn't attend them.

Q. Have you not attended any of the meetings?

A. No.

Q. Where does the lodge normally meet?

A. Well, they had a meeting place in North Chicago, at some time, some church down there.

Q. You have not attended any meetings since the meeting in building 14, is that right?

A. Yes.

Q. Are you on any committees of the lodge?

A. I am not.

Q. You are not an officer of it?

A. No, I am not.

Q. How much are the dues in that union?

A. I don't know.

Q. Have you paid any dues since the first 75 cents?

A. No, I haven't.

Q. You you know whether anybody else pays dues?

A. I don't know. I have never asked.

Q. At least you have never paid, is that right?

A. I haven't.

Mr. Walsh: That is all.

1895

Cross-Examination.

Q. (By Mr. Keele.) How did you happen to come back to work at the Fansteel Company after February 26th, Mr. Germer?

A. I called for my check. Mr. Luther Henry happened to be there, and he asked me how I felt. I told him I was all right.

We got started talking about that, and he says, "Well," he says, "Johnny, do you think you could come back to work?" I says, "I wouldn't mind it." He says, "Well, will you fill out an application?" And I says, "Yes", which I did.

Q. That was about March 3rd or 5th, somewhere along in there?

A. Around the 3rd or 4th.

Q. Of March?

A. Yes.

Q. You filled out your application, and then what happened?

A. Well, I met Jimmy White one day, and I talked with him about it. I asked him "How's chances of going back?" Jimmy says, "Well, you will have to see Mr. Anselm about it."

Q. He said what?

A. That I would have to see Mr. Anselm about it?

Q. Where did you meet Jimmy White?

A. Over on Lewis Avenue, there. He was coming from work one night.

Q. He was what?

A. He was coming from work one night.

Q. Please keep your voice up so I can hear you.

1896 A. All right.

Q. What were you doing?

A. I was going down to the hall, down to Slovenik Hall.

Q. Slovenik Hall?

A. Yes.

Q. Which was the headquarters of the—

A. CIO, yes.

Q. —lodge 66?

A. Yes.

Q. Did you have any further conversation there with Jimmy White?

A. That was about all that I said.

Q. Then what did you do?

A. I went down to see Mr. Anselm.

Q. Did you see him?

A. Yes.

Q. Did you have a conversation with him?

A. I did.

Q. What was that conversation?

A. Well, he asked me if—he says, “Why do you want to come back?” I told him that I had a home, and had some children going to school, and that I could not afford to lay around.

Q. Yes.

A. Mr. Anselm says, “Well”, he said, “I will have to see your foreman first.”

1897 Q. Who was your foreman?

A. Henry Luther.

Q. You mean Luther Henry?

A. Yes.

Q. What else was said there?

A. That was about all that was said that I can remember.

Q. What did you do then?

A. Well, I waited in the lobby there, in the office.

Q. Whom did you see?

A. Well, nobody. Just then Bill Schultz called me in.

Q. Yes.

A. He asked me to make out a new application.

Q. I see. Then what happened?

A. He asked me to come back to work that afternoon.

Q. You went back to work?

A. Yes.

Q. Did anybody talk to you at that time about the formation of an independent union at the Fansteel Company?

A. No, they didn't.

Q. Did anybody talk to you about getting out of lodge 66?

A. I told Kondrath just before I went back I was through with lodge 66 at that time.

Q. Did anybody in the company talk with you about that?

A. No.

Q. Mr. Anselm, Mr. Luther Henry, Mr. Schardt, or
1898 nobody there talked with you about withdrawing from lodge 66, did they?

A. No. There was nothing mentioned.

Q. Nobody asked you to?

A. No.

Q. Who is Kondrath?

A. He was president of lodge 66.

Q. He was not employed at Fansteel at that time; at least, he was not working there, was he?

A. No.

Q. I mean, at the time you talked to him.

A. No.

Q. Did anybody connected with the management ever talk with you about joining the Rare Metals Workers Lodge?

A. No, they didn't.

Q. Who was the first man who spoke to you about it?

A. Sylvin; he came up there.

Q. All right; what did Sylvin say?

A. He said, "Johnny, I guess you are next," he says, "All of the other boys signed up."

Q. What did you say?

A. I says, "Well, if the other boys all signed up, I might as well sign up with them."

Q. Who is Sylvin?

A. He was acting president of the Rare Metals Association, the way I understand it.

1899 Q. Is he a foreman?

A. No, he is not.

Q. Is he just an ordinary workman?

A. Yes.

Q. In what department is he, do you know?

A. In department 4, swedging, I think.

Q. The swedging department?

A. Yes.

Q. Did you talk with anybody else about your joining the Rare Metals Workers Union?

A. No, I didn't.

Q. Have you heard any threats made, or heard any threats being made that the company would discharge anyone who failed to join the Rare Metals Workers Union?

A. No.

Q. There are a number of men there who have not joined, are there not?

A. Yes. There are quite a few.

Q. They have worked there right along, have they not?

A. Yes.

Q. Was there anything said as to how you should vote in the ballot that was held, by anybody?

A. No.

Q. Did you hear anybody being threatened or coerced in any way with reference to their vote in the ballot?

1900 A. No.

Mr. Keele: That is all.

Mr. Walsh: Just a minute.

Redirect Examination.

Q. (By Mr. Walsh.) How long has Sylvin been there?

A. I don't know just how long he has been there.

Q. Ten years?

A. No.

Q. When did he start, do you know?

A. Right after the strike.

Q. He is not one of the old men, is that right?

A. No, he is not.

Q. What does he do there?

A. He works in the swedging department.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment. I would like to ask a few questions.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) Why did you join the Rare Metals Workers Union, Mr. Germer?

A. Because all of the other boys joined it down there in my department.

Q. Did you ever read its constitution and by-laws?

A. No, I didn't.

Q. Did you ever read the purpose of the union, or 1901 hear anybody tell what the union was for?

A. No.

Q. Were you simply going along with the rest of the fellows?

A. With the rest of the fellows, yes.

Q. Would you go along with the rest of the fellows if they did anything down there?

A. I wouldn't.

Q. Suppose all of the fellows resigned from the Rare Metals Workers Union: would you resign with them?

A. I suppose I would.

Q. How much money do you make?

A. 70 cents an hour.

Q. Do you owe the company any money?

A. No, I do not.

Q. (By Mr. Walsh.) What were you making just before the strike?

A. 65 cents an hour.

Q. After you went back you got 70 cents?

A. That was with the raise the boys all got.

Q. Was that in November?

A. Yes.

Q. Have you had any raises since you went back to work, after the strike?

A. Just one raise. I got 65 cents before the strike, and I got a nickel raise with the rest of the new boys that 1902 went back.

Q. Since the boys went back to work, they got a raise, is that right?

A. Yes.

Q. I suppose you also had a raise in November, did you not?

A. Yes.

Q. (By Trial Examiner Dudley.) Did you get paid by the company for the period that the buildings were closed during the strike?

A. Yes.

Q. You got your full salary right through the strike?

A. I think there were a few days that were out.

Q. What days were those?

A. I don't know just exactly.

Q. (By Mr. Walsh.) How much money did that amount to, Mr. Germer?

A. I think it was \$37.

Q. Would that be your normal wage for the nine days—

A. Yes.

Q. —the buildings were tied up?

A. Yes.

Q. (By Trial Examiner Dudley.) Does this union have a hall of its own?

A. Sir.

Q. Does this union have a hall of its own?

1903 A. No.

Q. Does it have any property, such as a seal, minute books, flags, chairs, or any such apparatus?

A. I don't know. I didn't inquire about that.

Q. Do you know who the other officers are?

A. Well, I know when they first started Mr. Sylvan was acting president at that time.

Q. How do you spell his name?

A. S-y-l-v-a-n, I think.

Q. Yes.

A. Mr. Griffith is president now.

Q. Mr. Griffith is president now?

A. Yes.

Q. What is his job?

A. He is working on the screw machine.

Q. The what?

A. The automatic screw machine.

Q. Is he a foreman or assistant foreman?

A. No, he is not.

Q. Is he a new employee, or one of the old employees?

A. He is one of the old employees.

Q. How long has he been with the company, do you know?

A. I don't know.

Trial Examiner Dudley: That is all I have.

Q. (By Mr. Keele.) You did understand, Mr. Germer, at the time you joined this union that it was an independent union, and applied only to the Fansteel employees, did you not?

A. Yes.

Q. That was explained to you?

A. Yes.

Q. Who said that to you?

A. Mr. Sylvin.

Mr. Walsh: Do you know who was eligible—excuse me.

Mr. Keele: That is all right. I was through.

Q. (By Mr. Walsh.) Who is eligible for membership in the union?

A. I don't know.

Q. You do not know who all the union takes in?

A. No, I don't.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: Theodore Sylvin.

THEODORE SYLVIN, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your name, please.

A. Theodore Sylvin.

Trial Examiner Dudley: What is the first name?

A. Theodore.

1905 Q. (By Mr. Walsh.) How do you spell your last name?

A. S-y-l-v-i-n.

Q. Where do you live?

A. Long Lake.

Mr. Swiren: May I ask at this time whether the law applies only to members of the CIO, as to immunity, your Honor?

Trial Examiner Dudley: Do you want to claim privilege on behalf of this witness?

Mr. Swiren: I assume this man however has not committed any crimes.

Mr. Walsh: I do not assume that people who work for your company at this time committed any crimes.

Mr. Keele: We have tried to keep those who have out.

Mr. Walsh: If there is any action that you contemplate—

Mr. Swiren: We are not claiming it.

Mr. Walsh: If you are intending any prosecution against

him, I am sure the privilege will be granted him the same as the others.

Mr. Swiren: We are not claiming it for him. I think it is a personal matter. It has to be claimed by the man. It cannot be claimed by the attorney.

Mr. Walsh: If we are wrong about that, we have done a tremendous amount of useless work.

Mr. Swiren: There is some question about that.

Trial Examiner Dudley: Well, gentlemen, let us proceed.

1906 Q. (By Mr. Walsh.) Mr. Sylvin, you say you live at Long Lake, Illinois?

A. That is right.

Q. I believe you are one of the incorporators of Rare Metals Workers of America Local No. 1?

A. That is right.

Mr. Walsh: Will you mark this for identification as Board's Exhibit No. 31, Mr. Reporter.

(The document referred to was marked Board's Exhibit No. 31.)

Q. (By Mr. Walsh.) I hand you a paper which has been marked for identification Board's Exhibit No. 31, Mr. Sylvin (handing document to witness).

A. Yes.

Q. I will ask you if that is a copy of the charter that the boys signed. Is that your signature there (indicating)?

A. Yes.

Q. That is the application for charter of a corporation not for profit in the State of Illinois, is it not?

A. Yes.

Mr. Swiren: I assume you are not familiar with our Illinois corporations. When this is accepted by the Secretary of State, it becomes the certificate of incorporation; so, as you have it now, it is the certificate of incorporation.

Mr. Walsh: Thank you very much.

Q. (By Mr. Walsh.) This is the certificate of the 1907 corporation of your lodge, is it not?

A. Yes.

Mr. Walsh: I would like to offer this in evidence, if the Examiner please.

Mr. Swiren: No objection.

Mr. Keele: No objection.

Trial Examiner Dudley: Board's Exhibit No. 31 may be received in evidence.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO. 31.)

Q. (By Mr. Walsh.) Mr. Sylvin, when did you start to work for Fansteel?

A. I believe it was around the 7th of March.

Q. Your job is what?

A. Swedging.

Q. Have you worked at that trade in some other plant?

A. No, I have not.

Q. You are just a learner in that department, is that right?

A. Just a beginner, right.

Q. What metals do you work on?

A. Tungsten.

Q. Your job is to take the ingots and reduce them to rods, is that right?

A. Yes.

Q. Where had you worked before, Mr. Sylvin?

1908 A. Before I went to work for Fansteel, I worked for Miller Motor Sales, selling cars.

Q. Selling cars?

A. Right.

Q. Had you ever done any factory work before?

A. Yes. I worked at Johnson Motors some time ago.

Q. Doing what?

A. Assembling.

Q. Assembling?

A. Yes.

Q. How long did you work at Miller Motor Sales, selling cars?

A. About three months, I imagine.

Q. How long were you employed at the Johnson Motor Company, assembling?

A. About three years.

Q. Did you go directly from Johnson Motors to the Miller Company?

A. No, I did not.

Q. Were you unemployed for a period?

A. I was.

Q. And at what did you work during the period that you were not working at Johnson Motors, and were not working at Miller Motor Sales?

A. I was a cost accountant.

Q. A cost accountant?

1909 A. Yes.

Q. Did you have a regular position, or did you have just odd jobs?

A. Well, no. I worked for WPA in the City of Chicago, at Navy Pier.

Q. At Navy Pier you worked as a cost accountant?

A. Yes.

Q. How long did you work there?

A. Just about a year.

Q. About a year?

A. Yes.

Q. That period was between Johnson Motors and Miller Motor Sales, was it not?

A. Yes.

Q. Where did you work before you worked at Johnson Motors?

A. I had a flower shop in Waukegan.

Q. A retail flower shop?

A. Right.

Q. How long did you have that?

A. Well, it was about six months, I imagine.

Q. Before you had a flower shop what did you do?

A. Well, I don't remember offhand. That is going kind of far back.

Q. How far back does that take us in the point of time?

A. Around 1931.

1910 Q. Did you have any employment of any kind prior to 1931?

A. Yes. I worked for my father.

Q. What did you do for him?

A. He is a landscape gardener. I worked in the garden.

Q. You went from the landscape gardening to the flower shop, is that right?

A. That is right.

Q. When did you learn cost accounting?

A. Well, I took no special course in cost accounting. I picked it up. I received a job at WPA, and seemed to do all right, so I kept on.

Q. Were you one of the leading spirits in the organization of the Rare Metals Workers Union?

A. Well, I was chosen by a group of 12 to be temporary chairman until things got going, until we got our charter.

Q. When did the group first have its meeting?

A. I believe it was around the third week in April.

Q. The third week in April was the first meeting of the group?

A. I think so, yes.

Q. Who composed that group?

A. Well, about one man from each department.

Q. Can you tell us their names?

A. I can try to remember them.

Q. All right. Just do the best you can.

1911 Harold Wedell.

Q. He was one of the incorporators, was he not?

A. Yes.

Q. All right.

A. A. R. Johnson.

Q. He was also one of the incorporators?

A. There was another Johnson there. I don't know his name.

Q. All right.

A. Carl Rogers. Offhand, I can't think of any others.

Q. That is half of them?

A. Just about.

Q. With yourself that makes six, does it not?

A. Yes.

Q. Did you have a meeting of this group prior to your incorporation?

A. Yes. We had a meeting to find out whether or not the employees in the plant wanted an independent union.

Q. Where was that meeting held?

A. That meeting was held in building 14.

Q. What was the date of that meeting?

A. I don't know the date. I am sorry.

Q. If I told you it was April 15th at 3:30, would that be right?

A. No, it would not.

Q. It would not be right?

1912 A. No. It was later than that.

Q. It was later than that?

A. Yes.

Q. What would it be? Would it be on the 16th.

A. No.

Q. On the 17th?

A. It would be more like the 20th, or somewhere around that time.

Q. They had a meeting for the purpose of finding out whether they wanted an outside union?

A. That is right.

Q. Your best guess is that it was on the 20th; that is your best recollection at this time, is that correct?

A. Approximately. I am not sure.

Q. Had you filed your application for charter at that time?

A. No, we had not.

Q. You had not?

A. No.

Q. Then let us look at this charter. This is dated—your certificate of incorporation was issued by the Secretary of State on April 19th.

A. The 19th?

Q. Yes.

A. Then you are right, when you say the 18th. I wasn't sure of the date.

1913 Q. I just want to get it straight. I just want to be sure it is right.

A. I wasn't sure of the date. I thought it was later.

Q. You signed this application, or signed this certificate which was verified by Edith B. Miller, who is a notary public in Lake County, on the 17th of April, so it must have been—this meeting—before that, I take it.

A. It evidently was, yes.

Q. So you think probably it might have been on the 15th?

A. Perhaps sooner than that.

Q. I just wanted to get it straight. We just want the record straight, that is all.

A. All right.

Q. Now, let us go back. Do you think now it may have been on the 15th?

A. All right. It may have been, yes.

Q. Tell me about the meeting now.

A. Well, the meeting was called for 3:30.

Q. Who called the meetings?

A. I don't know exactly. There was no acting chairman at that time. That was before—

Q. That was before the organization?

A. Before the organization started.

Q. Did you post any notices around the plant?

A. Yes, we did.

1914 Q. Where did you post notices?

A. We posted them on the bulletin board.

Q. What did the notices say?

A. I believe they said that there would be a meeting in

building 14 to vote on the question of whether or not they wanted an independent union.

Q. Were these notices printed or typewritten?

A. They were typewritten.

Q. Who typed them up for you?

A. I don't know. Hank Berkquist got them somewhere.

Q. Hank Berquist got them somewhere?

A. Yes.

Q. Did you have a vote? Was there a vote taken at that meeting?

A. Yes, there was.

Q. How was the vote taken?

A. You have one of the ballots there.

Q. This is one of the ballots here?

A. Yes.

Q. This is the one I showed to Mr. Germer; is that the one you are referring to?

A. That is right.

Q. Where was the vote taken?

A. It was taken right in building 14.

Q. Then when Mr. Germer told us that there was one 1915 ballot box in building 3, and one ballot box in building 5, he was mistaken, is that right?

A. He got slightly mixed up, because those ballot boxes were for the election of officers after the union was organized.

Q. This election of officers was had by a vote taken where there was one ballot box in building 3?

A. Yes.

Q. Was that in the lobby?

A. That was in the lobby.

Q. Then there was one ballot box in building 5?

A. Yes, there was one ballot box in building 5.

Q. When did that vote take place?

A. I would say about two weeks after we got the charter.

Q. About two weeks after?

A. Something like that.

Q. Just after your organization got going you had that election?

A. Yes.

Q. What did you do, have nominations for officers?

A. Yes.

Q. Now, with reference to those nominations, how were they made?

A. They were made by individuals in the crowd.

Q. Did you have a meeting about that?

A. We did.

Q. Where was that meeting?

1916 A. The meeting was also held, that meeting, in building 14.

Q. That meeting was held in building 14?

A. Yes.

Q. Nominations were made from the floor—

A. Yes.

Q. —by the members, is that right?

A. Yes.

Q. How many people were nominated for the office of president?

A. I think there were three.

Q. Three?

A. Yes.

Q. How many were nominated for vice-president?

A. Three.

Q. How many were nominated for secretary?

A. One.

Q. How many were nominated for recording secretary?

Did you have a recording secretary?

A. We didn't have one.

Q. What officers did you have?

A. We had the three that you mentioned, and we had four or six trustees.

Q. Four or six trustees?

A. Yes.

Q. After all of these names were received, were ballots printed up?

1917 A. Yes.

Q. Who printed the ballots up?

A. Hank Berkquist took care of all of that. I don't know where he got them.

Q. Hank Berkquist took care of that, did he?

A. Yes, sir.

Q. Let us go back to the meeting at building 14, on the 15th. How were those ballots distributed?

A. Well, they were distributed by Berkquist, myself, and Roy Grosenheider; they were distributed one to each person.

Q. This ballot that says, "Do you as an employee of this company favor an independent labor organization," and then has a place to vote "Yes", or "No", was the ballot used?

A. Yes.

Q. How many employees attended that meeting?

A. Well, offhand I should say about 200.

Q. About 200?

A. Probably more.

Q. How many voted in favor of the independent labor organization?

A. 186.

Q. 186?

A. Yes.

Q. How many voted against it?

A. I would say 186 or 176, I am not sure.

1918 Q. You are not sure whether it was 176 or 186?

A. No.

Q. Do you remember how many votes were received against?

A. About 14.

Q. About 14?

A. Yes.

Q. That leads you to believe there were about 200 people present?

A. Yes.

Q. Do you think everybody voted?

A. I believe so.

Q. After that meeting was held were there any temporary officers—withdraw that.

At that meeting were there any temporary officers selected?

A. One.

Q. Who headed the organization until you got your charter and had your regular meetings?

A. Well, as I explained, we tried to get one man from each department, or one representative from each department, to have a meeting after we had this vote on this question.

Q. Yes.

A. We met one noon in the maintenance building, that is, in building 5, those 12 men. Those 12 men were there.

Q. They were the same ones who met to arrange this meeting, the calling of this meeting, is that right?

1919 A. No, not exactly.

Q. That is not right?

A. No.

Q. I am sorry. I am mixed up.

A. Berkquist, myself, Chapman and probably another man—I don't remember who really started the whole thing.

Q. Berkquist, Chapman and some other man started it, really?

A. Yes.

Q. How did it happen that you and Mr. Wedell and Mr. Johnson were picked out as incorporators?

A. In this meeting we held in the maintenance building—

Q. I see.

A. —the group decided we should be elected as temporary officers.

Q. Then you consulted a lawyer, didn't you?

A. That is right.

Q. Whose lawyer was that?

A. Why, he is a lawyer up town; Mr. Hendee.

Q. How did you happen to consult Mr. Hendee?

A. Well, I have known him for some time.

Q. Is he your family lawyer?

A. Well, he has done quite a bit of my law work.

Q. Yes.

A. Whatever I have had.

Q. So you were an old client of Mr. Hendee's?

1920 A. Yes.

Q. So you called on him, is that right? You went to him?

A. Yes.

Q. Had the organization collected any money for dues up to this time?

A. No.

Q. They had not?

A. No.

Q. They had not elected any officers up to this time?

A. No.

Q. They had not designated anyone as acting officers or anything like that?

A. Wedell, Johnson and myself, of course.

Q. You were not selected by the entire group though, were you?

A. No, not by the entire group.

Q. You were selected by the committee, is that right?

A. That is right.

Q. Your charter cost some money, did it not?

A. Yes.

Q. Who put up the money?

A. I did.

Q. How much did you put up?

A. I put up \$10.

Q. Have you been paid back the \$10?

A. I have.

1921 Q. How have you been paid back?

A. I have been paid back \$10 by the organization.

Q. By the organization, after it got the money?

A. That is right.

Q. I presume Mr. Hendee charged some money, did he not, for his work?

A. Right; he did.

Q. Who paid Mr. Hendee?

A. Mr. Hendee told us not to worry about it. He said he didn't know how much work it was going to be.

Q. That is quite right.

A. He said to let it go until after it was all finished.

Q. I presume Mr. Hendee has since rendered his bill, and it has been paid, is that right?

A. I am not an officer any more. I don't have anything to do with it.

Q. We hope Mr. Hendee has been paid, is that right?

A. I hope so.

Q. After the granting of your charter did the organization have meetings?

A. We held one more meeting.

Q. When was that meeting held?

A. That was after we got the charter.

Q. Then that would be, if this was issued on the 19th, about the 20th, I suppose, would it not? It would be
1922 some time after the 20th, I suppose, that you had a meeting?

A. That is right.

Q. Was that meeting attended by the entire membership—

A. Well—

Q. —or did you have any members at that time?

A. Well, let me get this straight. We had a petition drawn up first.

Q. Oh; a petition. Who drew up the petition?

A. Mr. Hendee.

Q. What did the petition say?

A. The petition stated, I believe, on top, "Do you wish to become a charter member of the Rare Metals Workers of America" or something to that effect.

Q. Something to that effect?

A. Yes.

Q. Did they have more than one copy of the petition?

A. Yes.

Q. How many copies of the petition were there?

A. They had three copies.

Q. Were these petitions circulated?

A. Yes.

Q. Who circulated the petitions?

A. Mr. Johnson, Mr. Wedell, and myself.

Q. The incorporators, then, took the petitions around?

A. Yes.

1923 Q. Where were they circulated, and when?

A. During the noon hour, and after work.

Q. Yes.

A. That is about all.

Q. Are you and Mr. Johnson and Mr. Wedell employed in the same building?

A. No, we are not.

Q. You are all in different buildings—

A. That is right.

Q. —is that right?

A. Yes.

Q. Did you take one to your building, so you would get the gang at noon around that building?

A. That is right.

Q. Johnson and Wedell did the same around their buildings?

A. Yes.

Q. Is that right?

A. Yes.

Q. Did you sign up these fellows as they came out of the building, or talk to them?

A. Why, there had been general conversation.

Q. You were talking all around the shop anyway, were you not?

A. We would ask them to sign it, and if they would, all right.

Q. Those fellows who desired to belong, signed, is that right?

A. Yes.

1924 Q. After the petitions had been circulated, how many names did you find that you had on your petitions?

A. About 220, or something like that.

Q. 220 some persons signed your petitions—

A. Yes.

Q. —to become members of the Rare Metals Workers?

A. Yes.

Q. Is that right?

A. Yes.

Q. Were dues collected at the time they signed?

A. No.

Q. That was just to get the thing going, is that right?

A. That petition was—they had that petition drawn up before we got our charter.

Q. I beg your pardon. I thought it was after.

A. No.

Q. That was before you got the charter?

A. That is right.

Q. Then a petition was circulated, was it, some time before the meeting?

A. I am trying to remember whether we sent for our charter first.

Q. Let us get it straight, and see if we understand each other.

A. I beg your pardon. I made a mistake there.

Q. All right.

1925 A. We had sent for our charter.

Q. You had sent for the charter?

A. Yes.

Q. You do not know whether the charter had gotten back yet, do you?

A. No.

Q. But some time between the time you signed it, and the time the charter got back, the petitions were circulated, is that right?

A. Yes.

Q. All we want to do is to get this thing straight here.

A. All right.

Q. Do you remember how many days it took to circulate the petitions and get all of the names signed?

A. Perhaps two or three days.

Q. Two or three days?

A. Yes.

Q. Now, after the petitions were circulated and as many members as wanted to sign signed, did you have a meeting?

A. Not until we got the charter.

Q. Then the charter came back?

A. Yes.

Q. Then you had a meeting, is that right?

A. Yes.

Q. When was that meeting held?

1926 A. That is the meeting right after we got the charter that I spoke about.

Q. Yes.

A. At that time we nominated officers.

Q. I see. Then, that was the second meeting that was held in building 14, is that right?

A. Yes.

Q. At that time nominations were had, and then the ballots were made up?

A. Yes.

Q. Berkquist took care of making up the ballots, is that right?

A. Yes.

Q. Then the election was run off, and that was done by having a ballot box in building 3, in the lobby, and a ballot box in building 5 in the lobby?

A. Yes.

Q. Is that right?

A. Right.

Q. Now, do you remember, or can you tell me how many votes were cast in the election?

A. No, I can't.

Q. All right. Who finally won the election?

A. Arthur Griffith.

Q. Arthur Griffith was president, was he?

1927 A. Yes.

Q. Who was vice-president?

A. Robert Spellman.

Q. Who was secretary?

A. Lawrence Bristol was secretary.

Q. Who?

A. Lawrence Bristol.

Q. Yes.

A. Some girl was chosen as secretary. I don't remember her name.

Q. I thought you said Bristol was secretary?

A. He was treasurer.

Q. Oh; he was treasurer?

A. Yes.

Q. Some young lady was chosen as secretary, is that it?

A. Betty Valenta, yes.

Q. What was her name?

A. Betty Valenta.

Q. Will you spell her last name?

A. V-a-l-e-n-t-a.

Q. After the election of these officers—withdraw that.

How did you notify your members that an election was going to be had?

A. By posters.

Q. By posters?

1928 A. Yes, on the bulletin boards.

Q. You posted those up on the bulletin boards, is that right?

A. Yes.

Q. Who did you talk to about getting permission to post those on the bulletin boards?

A. We spoke to Mr. Anselm.

Q. Did Mr. Anselm say it was all right to put them on?

A. Yes. He said it was all right, just as long as it was not done on company time.

Q. Just as long as you did it on other than company time?

A. Or during our lunch hour, yes.

Q. How many bulletin boards did you post these notices on?

A. There was ten.

Q. I beg your pardon?

A. Ten.

Q. I see. There were that many bulletin boards around the plant at which employees received notices of various kinds?

A. Yes.

Q. How long were the polls open at the election, do you know?

A. From 12 o'clock until 12:30 at noon.

Q. Yes.

A. And from 3:30 until 4 in the afternoon.

Q. In the afternoon?

A. Yes.

Q. That, then, would get everybody that was on the 1929 day shift, and the boys that came on the night shift?

A. That is right.

Q. Is that correct?

A. Yes.

Q. After the election of these people, did you have a meeting of the membership of the local?

A. After election, yes, there was a meeting called.

Q. Can you tell us what date that meeting was held?

A. It was about a week after election; I think that was in May some time.

Q. In May?

A. Yes.

Q. I don't believe we fixed the date of the election, did we? Do you recall what date that was?

A. No. I couldn't recall it.

Q. Where was the meeting of the membership held in May?

A. I don't know whether that was held in the North Chicago Auditorium, or building 14. I wasn't there.

Q. You were not present at that meeting?

A. I couldn't be present.

Q. Then you do not know what happened at that meeting, I suppose?

A. No, I do not.

Q. Sometime after the organization got started, did they fix the amount of dues that were to be paid?

1930 A. Yes.

Q. How much were the dues?

A. Why, the by-laws committee, I believe, set them up as 50 cents a month.

Q. I see. Who was on the by-laws committee?

A. I think it is Henry Berkquist again.

Q. Henry Berkquist again?

A. Yes.

Q. Was he also on the constitution committee? Did you have a constitution?

A. I don't think they did.

Q. Just by-laws?

A. Yes.

Q. All right.

A. And Nick Novack.

Q. Nick Novack?

A. Yes.

Q. Yes.

A. I don't know the rest of them. I don't know who was on it.

Q. Did you later have by-laws drawn up, or typed up?

A. I have not attended a meeting since.

Q. You have not attended a meeting since?

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A. So I do not know.

Q. I see.

A. I believe they held a meeting to have the by-laws
1931 read before the group.

Q. Yes.

A. And to vote upon them, I suppose.

Q. All right. Have you attended any meetings of the
lodge since?

A. They only had one, or two.

Q. There was a meeting in May, and a meeting in June?

A. No—well, I don't know. I do not know whether they
have had or not. I don't think so.

Q. You do not think so. At least, you have not attended
any meeting?

A. Yes.

Q. Did they elect a grievance committee?

A. Not as yet.

Q. They have not yet elected a grievance committee?

A. I don't think so.

Q. Have they elected a negotiating committee to negotiate
with the company?

A. I think they are working on it now.

Q. They are working on that at this time?

A. Yes.

Q. Do you know how many members the lodge has?

A. Well, a few came in after the petitions.

Q. You got about 200 and how many, on the petitions?

A. Around 223 or 224.

1932 Q. That was the number that was in my mind. I
did not know whether I had remembered it correctly
or not.

A. Yes.

Q. 223 or 224?

A. Yes.

Q. A few, you think, have come in since?

A. Yes.

Q. Who is eligible for membership in your union?

A. Anyone working in the plant who is on an hourly
basis.

Q. I see.

A. In production work.

Q. All production workers on an hourly basis?

A. Yes.

Q. Are there any piece work jobs at the plant now? I understand there have been some changes.

A. No. I do not believe there are.

Mr. Walsh: You may inquire.

Trial Examiner Dudley: Before you cross examine, we will take a five minute recess.

Mr. Walsh: Before we take a recess, may I ask one more question?

Trial Examiner Dudley: Yes.

Q. (By Mr. Walsh.) Were you a deputy during the trouble down there?

A. No.

1933 Mr. Walsh: All right.

Trial Examiner Dudley: We will take a five-minute recess at this time.

(Whereupon a short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order. You may cross examine, Mr. Keele.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Sylvin, how did you happen to obtain employment down at Fansteel?

A. Well, I thought perhaps they would be hiring after the strike.

Q. Did you know anybody down there?

A. No, I didn't, at that time.

Q. How did you get your employment? What did you do to get your employment?

A. I went down at the office and put in an application.

Q. Did they accept the application?

A. They did.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Tony Koncilja.

Trial Examiner Dudley: Which group does this man fall in?

Mr. Walsh: This man is in group 1.

1934 Trial Examiner Dudley: Very well. Proceed.

TONY KONCILJA, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your name, please.

A. Tony Koncilja.

Mr. Swiren: You will have to speak up. I cannot hear you.

Mr. Walsh: Keep your voice up, Tony.

The Witness: All right.

Q. (By Mr. Walsh) State your name again.

A. Tony Koncilja.

Q. Will you spell the last name?

A. K-o-n-c-i-l-j-a.

Q. What is your address?

A. 819 13th Street, North Chicago.

Q. You are sick are you not, now?

A. Yes.

Q. You were subpoenaed to come here?

A. Yes.

Mr. Walsh: I will ask the Examiner to advise the witness of his privilege.

Trial Examiner Dudley: Do you wish to claim your privilege of immunity, or do you know what I mean?

The Witness: I don't know what that means.

Trial Examiner Dudley: In most lawsuits, one does not have to give testimony which can later be used to incriminate him, or get him into legal trouble, about some act about which he may be asked to testify.

The Witness: I don't have any act.

Trial Examiner Dudley: The Wagner Act provides you must testify here, but if you wish you can claim privilege, and be kept free from prosecution on account of the acts you may testify to.

Do you claim your privilege?

The Witness: Yes.

Trial Examiner Dudley: The privilege is granted the witness.

Q. (By Mr. Walsh) How long were you working at Fansteel?

A. About 10 years, or over 10.

Q. What did you do down there?

A. I was in the shipping room, packing stuff and sending it out.

Q. You were packing stuff and sending it out, is that right?

A. Yes.

Q. When did you join the union?

A. September, 1937—1936, I mean.

Q. When did you get your last pay from the company?

A. March; some time in March.

Q. Did the company take up your pass?

A. Yes.

1936 Q. Did you talk to anybody about going back to work?

A. No, I didn't talk to nobody.

Q. What was your hourly rate of pay?

A. 53 cents.

Q. How many hours a week did you work?

A. Mostly 40.

Q. Yes.

A. Sometimes I worked overtime.

Q. How much did your weekly pay amount to?

A. \$22.50 or so.

Q. About \$22.50?

A. Yes.

Q. Did the plant operate between the 17th and 26th of February?

A. No.

Q. Did you make any shipments out of the plant during that time?

A. No.

Q. You were one of the men who stayed in the building, were you not?

A. Yes.

Q. Have you earned any money since February 26th?

A. Any what?

Q. Have you earned any money since you left the plant down there?

1937 A. No.

Q. You were one of the respondents in the contempt case, and one of the defendants in the injunction case, were you not?

A. (No answer.)

Q. You were tried, were you not?

A. Yes.

Q. You were sentenced to ten days in jail, and \$100 fine?

A. Yes.

Q. You have not yet served that time?

A. No.

Q. You are under the doctor's care now?

A. Yes, sir.

Q. When the work stopped on February 17th, the management did not ask you to quit work, did they?

A. No.

Q. The men struck, is that right?

A. That is right.

Q. They stopped work—or rather, all the work stopped because the men took over the buildings, is that right?

A. Yes, sir.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) How long have you been ill?

A. What?

Q. How long have you been ill?

1938 A. (No answer.)

Q. How long have you been sick?

A. Sick?

Q. Yes.

A. I have been sick right after the second gas down at Fansteel.

Q. The second gas.

A. Yes.

Q. What is the nature of your illness or sickness?

A. My sickness?

Q. Yes.

A. I got ulcers of the stomach from that gas.

Q. What?

Mr. Walsh: He says he has ulcers of the stomach.

Q. (By Mr. Keele.) Ulcers of the stomach, you say?

A. Yes.

Q. As a result of that gas?

A. Yes.

Q. That is your opinion?

A. Yes. That is what the doctor said.

Q. That is what the doctor says. So, you have not been able to work?

A. No.

Q. Since the 26th of February?

A. No.

1939 Q. You made no application for reemployment, did you?

A. No.

Q. I see. You have not been able to work?

A. No.

Q. Did you say "Yes" or "No"?

A. No.

Q. If you had had employment offered to you, you could not have taken advantage of it, could you?

A. No, I couldn't take no work at all.

Q. You were in the plant from February 17th until February 26th, were you not?

A. Yes, sir.

Q. Which building were you in?

A. No. 5.

Q. You were in No. 5?

A. No. 5, yes, sir.

Q. There was no gas thrown in that building at the time of the second attack, was there?

A. Yes.

Q. There was?

A. There was plenty of gas. I had one bomb come right in and knock me right down, right through the window.

Q. It knocked you down?

A. Yes. That is why I got so much gas.

Q. Had you ever had any stomach trouble before?

1940 A. No, sir.

Q. None whatever?

A. No.

Q. You never had indigestion, or an acid condition, or anything of that kind?

A. No, nothing in the stomach.

Q. It all began on the morning of the 26th of February?

A. Yes.

Q. You went in there on the 17th with the other men, did you not?

A. Yes.

Q. Nobody kept you in there, did they?

A. No.

Q. You stayed there voluntarily, did you not?

A. Yes.

Q. Of your own wish?

A. Sure.

Q. The sheriff tried to get you out on the 19th, did he not?

A. What?

Q. On the 19th of February the sheriff tried to get you out, did he not?

A. I don't know.

Q. No gas was thrown in on that day, was there?

A. Sure.

Q. You did not leave then, did you?

1941 A. No.

Q. The door was crashed open; you could have come out, could you not?

A. I don't know if it was open or not.

Q. You did not try to get out, did you?

A. I wasn't trying to get out, because maybe I get killed.

Q. Were you not afraid of getting killed on the 26th, when you came out?

A. I was afraid to get killed, sure.

Q. You went out anyway, did you not, on the 26th?

A. Oh, yes, on the 26th, sure.

Q. Were you not afraid of getting killed?

A. I tried to get out anyway.

Q. Who did you think was going to kill you?

A. They throw gas in there.

Q. They threw acid in there?

A. Gas, I say.

Q. Oh; gas.

A. Yes.

Q. What did you do when that attack was going on?

A. I was hiding myself as much as I can.

Q. You were hiding yourself?

A. Sure.

Q. Where were you hiding yourself?

A. Lying down on the floor.

1942 Q. You were lying down on the floor?

A. Yes.

Q. One of these gas bombs hit you while you were lying there on the floor?

A. Sure.

Q. What did you do during the first gas attack?

A. At the first gas, I do the same thing.

Q. The same thing?

A. Yes.

Q. You did not try to get out at any time; nobody was holding you in there, were they?

A. No.

Q. You could have left any time you wanted to, could you not?

A. Sure.

Q. You knew there was a court injunction ordering the men to leave?

A. I didn't know that.

Q. You did not know anything about that?

A. I didn't see it.

Q. You did not see it, but you knew there was one, did you not?

A. (No answer.)

Q. What?

A. I don't know.

Q. Did you not read the papers?

A. No, I didn't get any papers in there.

1943 Q. There were not any newspapers in there, were there?

A. I didn't see nothing.

Q. You did not see anything?

A. I didn't see any papers. I don't know if there was any in there or not.

Q. You did not see any newspapers in there?

A. No.

Q. Newspapers were delivered, twice a day, were they not?

A. I don't know anything about papers.

Q. You do not know anything about that?

A. No.

Q. You do not know who was in the building with you, do you?

A. Yes, I know.

Q. You know that?

A. Yes.

Q. You know the sheriff's men came there on the 19th; you knew that, did you not?

A. I knew what?

Q. You knew they came to the building on the morning of the 19th?

A. I didn't see no sheriff.

Q. You did not see him there?

A. No.

Q. Did you not see him in the yard?

- A. I seen him outside. I didn't see him inside.
- 1944 Q. You knew the sheriff was there trying to get you out, did you not?
- A. No.
- Q. You did not know that? You do not know anything about what was going on down there, do you?
- A. There was a lot of fellows, and I asked them, "What is going on?" They always says, "We don't know what is going on."
- Q. You did not know what was going on?
- A. That is right.
- Q. Do you know whether you had the company's permission to be in the building?
- A. To be in there?
- Q. Yes. Do you know that, whether you had the management's permission, or the company's permission?
- A. For what?
- Q. To stay in the building.
- A. I don't know that.
- Q. You did not know that?
- A. No.
- Q. Do you know why you went into the building?
- A. I just do the same, like the other boys do.
- Q. Just whatever they do, you do?
- A. That is right.
- Mr. Keele: I think that is all.
- Mr. Walsh: That is all.
- 1945 Trial Examiner Dudley: You may be excused.
(Witness excused)
- Mr. Walsh: Laverne Huff.

LAVELNE HUFF, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

- Q. (By Mr. Walsh.) Your name is Laverne Huff?
- A. Yes.
- Q. Where do you live?
- A. Gages Lake, Libertyville.
- Q. You will have to keep your voice up, please, so all of these gentlemen can hear you.
- Where did you say you lived?

A. Gages Lake, Libertyville.

Q. Libertyville, Illinois?

A. Libertyville, Illinois.

Q. Were you ever employed by Fansteel?

A. Yes.

Q. When did you go to work there?

A. I think it was the second week in January.

Q. 1937?

A. Yes.

Q. What do you do down there?

A. I am an assembler, setting up screws.

Q. Is that in the Contact Department?

1946 A. Yes, department 3.

Q. Did you work up until February 17th?

A. When was that, when the strike was?

Q. When the strike happened, yes.

A. Yes. Then I quit. We had to leave.

Q. You had to leave. What building were you in when the strike occurred?

A. Building 3.

Q. When that happened, all of the girls were told to go home, were they not?

A. Yes.

Q. Who told you to go home?

A. I don't know.

Q. Was it Mary Atkinson or Luther Henry?

A. No, it was a man.

Q. Some of the men?

A. Yes.

Q. Some of the men told you that you should go home, that you could not stay there?

A. Yes.

Q. Did you return to work at the company after the strike was over?

A. Yes.

Q. Did you receive pay for the time the buildings were tied up?

1947 A. Yes.

Q. How much did your pay amount to?

A. \$19.


Q. Had you ever joined lodge 66?

A. No.

Q. The CIO lodge?

A. No.

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Q. You never had?

A. No.

Q. Did you later join the Rare Metals lodge?

A. Yes.

Q. Who asked you to join the lodge?

A. I don't know. I guess we did it ourselves. I don't know of anybody asking us.

Q. Nobody asked you?

A. All the girls did. I guess that is why I did.

Q. You joined with all of the rest of the girls?

A. Yes.

Q. Did you ever go to any meetings of the lodge?

A. No. We were working nights.

Q. You were working nights when they had their meetings?

A. Yes.

Q. Did you ever go to any meeting of the lodge?

A. No, not after we joined the union.

Q. I beg your pardon?

1948 A. Not after we joined, we didn't go to any.

Q. Did you pay any dues?

A. Yes.

Q. How much dues did you pay?

A. I think I paid 75 cents, I don't know.

Q. Did anyone ever tell you to go to the meetings?

A. No.

Q. Did anybody tell you that you had better join the lodge, or you would lose your job?

A. No.

Q. Did you ever vote in an election which they had?

A. When was that?

Q. Well, did they ever have an election that you knew about?

A. Before our union?

Q. Yes.

A. Yes.

Q. Where did you vote?

A. It was in one of the buildings around there. I don't know which one.

Q. Was it in the building in which you worked?

A. No.

Q. It was not?

A. No.

Q. Was it a building outside of the fence?

A. No.

1949 Q. Was it one of the buildings inside of the fence?
Is that right?

A. Yes.

Q. Was there a big crowd there at that time?

A. Yes.

Q. Did you vote whether you should have an inside organization or an outside organization?

A. It was, "Do you want an independent union or not."

Q. I see. Did you have a printed ballot?

A. Yes.

Q. Is this one of the ballots? I mean, does this ballot look like one of them?

A. I think it was, but I am not sure.

Q. How did you know that you were going to have this election?

A. I don't know.

Q. Did somebody tell you, or did you see a notice of it?

A. I cannot remember.

Q. All right. You never went to any meeting of the lodge?

A. No.

Q. Did you get a card from the lodge?

A. Yes.

Q. You paid 75 cents dues.

A. Yes.

Q. You have not paid any other dues?

A. I think I paid 75. I am not sure.

1950 Q. Do you remember what day you joined the lodge?

A. No, I don't, but I think it was about three or four weeks ago.

Q. Do you know who the president of the lodge is?

A. No.

Q. Do you know who any of the officers are?

A. No.

Q. Did you ever vote for any officers? Did you ever have any election to elect officers?

A. Yes.

Q. Were you working there on the 15th of April?

A. I think I was.

Q. Did you go to a meeting that was held about 3:30 in the afternoon, I believe, outside of the fence, over at the Ramet building?

A. Outside of the fence?

Q. Yes.

A. No.

Q. Did you ever attend any meetings held inside of the fence?

A. Before we joined the union?

Q. Before you joined.

A. Yes.

Q. Do you know when that meeting was held? Do you remember?

A. No, I do not.

Q. Do you know who was at that meeting?

1951 A. No, I didn't know anybody.

Q. Who told you to go to the meeting?

A. One of the fellows that was standing there. He told us to go up there, that they were having a meeting, so we went.

Q. Do you remember what building that was in?

A. No, but I think it was where they cut wire, or something.

Q. Where they what?

A. Where they cut wire, or something.

Q. Where they cut wire?

A. Yes.

Q. Had you ever been in that building before?

A. No.

Q. Do you remember the name of the fellow who told you to go?

A. No.

Q. Would you know that man if you saw him again?

A. No.

Q. Did you ever see any notice on the bulletin board about this union?

A. About which one?

Q. The Rare Metals Union. That is the one you belong to now, is it not?

A. Yes. No, I saw nothing except about the meetings, that there would be meetings.

Q. That is the only thing you saw there, just notices of meetings? Is that right?

1952 A. Yes.

Q. Did you go to any of those meetings?

A. No.

Q. Did Mary Atkinson ever talk to you about the lodge?

A. No.

Q. Did Mr. Anselm ever talk to you about it?

A. No.

Q. You know Mr. Anselm, do you not?

A. Not very well, I don't think I would know him if I saw him.

Q. Do you know whether he is here today?

A. No.

Q. Who is the forelady in your department?

A. Elsie. I do not know her last name.

Q. Did you ever talk to Elsie about this lodge?

A. No.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: I would like to ask you a few questions.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) To whom did you pay your 75 cents dues?

A. I do not know the man. It was a fellow who came around collecting it.

1953 Q. What did he say when he came to you to collect your dues?

A. Nothing. He just asked for it, and we gave it to him.

Q. Did he ask you if you belonged to the union?

A. Yes, I think—I don't know. I cannot remember.

Q. Did he ask you if you had paid your dues?

A. No.

Q. Did he say you had not paid your dues?

A. No.

Q. You mean, he just came up and said, "I want your dues"?

A. He came around and collected. We knew what he was collecting for, so we gave it to him.

Q. Did you see him collecting money from the other people who were working near you?

A. I think he did.

Q. Did he ask those people if they belonged to the union?

A. I don't remember.

Q. Did you ever get a card from the union showing you were a member?

A. Yes.

Q. Where is that?

A. I haven't got it with me.

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Q. When did you get that?

A. Gee, I can't even remember.

Q. Do you know who signed it?

A. No.

1954 Trial Examiner Dudley: That is all.

Q. (By Mr. Walsh) This is your card, is it not (handing document to witness)?

A. Yes.

Q. That card is signed by Mr. Sylvin as president of the lodge, and Mr. Johnson as secretary and treasurer, is it not?

A. Yes.

Q. Did you know either one of those men?

A. No.

Q. Did you ever know that Mr. Sylvin was president of the lodge?

A. I don't know.

Mr. Swiren: Just a moment. I could not hear that last question and answer. Will you read it, Mr. Reporter.

(The record was read as above recorded.)

Q. (By Trial Examiner Dudley) When this man came around and collected your dues, was that during working hours?

A. No, I don't think so.

Q. Where were you, at home?

A. It was around 3:30, I think.

Q. Were you leaving the factory?

A. No. We were just going to start work. We were on the night shift.

Q. You had not started work yet on your night shift, is that right?

A. I don't think so.

1955 Q. (By Mr. Walsh) Have you told us everything you know about this lodge, now?

A. Yes.

Q. Would you object if we put your union card into the record of this trial?

You probably would not get it back. Maybe the union would give you a new one.

A. (No answer.)

Mr. Walsh: You can just leave it with the Examiner here.

Mr. Block: You can substitute a copy, can you not?

Mr. Walsh: I beg your pardon?

Mr. Block: You can substitute a copy.

Mr. Swiren: Why do you not do that, and return the card to her.

Mr. Walsh: All right. We can probably get it photostated, and put a photostatic copy in, and give the card back.

The Witness: When will I get it back?

Mr. Swiren: What was that? Read that, Mr. Reporter. (The record was read as above recorded.)

Mr. Swiren: That is a perfectly proper question, in view of the Examiner's ruling.

Mr. Block: So there will not be any misunderstanding, do you want to put it in the record?

Mr. Walsh: Yes.

Mr. Block: They want to make a copy of it, and in 1956 the meantime it will be with the Examiner, or in the custody of the attorney for the Board, and it will be returned to you.

Mr. Walsh: In a few days I will mail it back to you. I want to have a picture taken of it, and put it in the record. If you have to have it before then, for any reason, you let us know, and we will get it back to you sooner than that. Perhaps I can get it back to you during the day. I do not know.

The Witness: All right.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Mr. Swiren: Mr. Walsh, did you ask her if she signed this?

Mr. Walsh: I beg your pardon. Mr. Examiner, I would like to ask one more question.

Trial Examiner Dudley: Just a moment, please.

Q. (By Mr. Walsh) Is this your signature on here, on this card?

A. Yes.

Q. You signed that yourself?

A. Yes.

Mr. Walsh: All right.

Trial Examiner Dudley: Have you any questions, Mr. Swiren?

Mr. Swiren: No.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: I would like to offer this in evidence as 1957 BOARD'S EXHIBIT NO. 32, and ask leave to substitute a photostatic copy of it.

Mr. Block: No objection.

Mr. Swiren: No objection.

Trial Examiner Dudley: It may be received.

Mr. Walsh: Let the record show it is blank on the back side.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO. 32.)

Mr. Walsh: Mr. Johnson.

A. R. JOHNSON, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh) State your full name and address, please.

A. A. R. Johnson, 20 Wisconsin Avenue, Waukegan.

Mr. Swiren: Keep your voice up, please. I cannot hear you.

Q. (By Mr. Walsh) You are now employed by Fansteel?

A. Yes.

Q. How long have you been employed by Fansteel?

A. About four months.

Q. About four months?

A. Yes.

Q. Did you become employed before the strike, or after the strike?

1958 A. After.

Q. After the strike?

A. Yes.

Q. What job do you have down there?

A. I am in the chemical building.

Q. Talk louder.

A. I am in the chemical building.

Q. You are now in the chemical building?

A. Yes.

Q. I believe you were one of the incorporators of the Rare Metals Workers?

A. Yes.

Q. When did you first start to work for Fansteel, on what day?

A. I believe it was March 3rd.

Q. March 3rd?

A. I think it was.

Q. After the plant reopened, after the labor trouble, you applied for work there, is that right?

A. Yes.

Q. What is your job in the chemical department?

A. Well, it is operating caustics.

Q. That is one of the cooking operations, is it?

A. Yes.

Q. Had you ever done that kind of work before?

A. Very little.

1959 Q. Very little?

A. Yes.

Q. Where had you ever done that kind of work before, Mr. Johnson?

A. I just took a chemical course of my own.

Q. You took a chemical course of your own?

A. Yes.

Q. You had never been employed in chemical work before—

A. No, sir.

Q. —is that right.

A. Yes.

Q. What is your trade or calling?

A. My trade is teamster or crane work.

Q. Teamster and crane work?

A. Yes, sir.

Q. What kind of a crane, a locomotive crane?

A. No; electric cranes.

Q. Electric cranes?

A. Yes.

Q. Where have you operated electric cranes?

A. Well, I have operated electric cranes in California, and at Johns-Manville.

Q. At Johns-Manville?

A. Yes.

Q. Where did you work just before you went to Fansteel.

1960 A. Johns-Manville.

Q. Johns-Manville?

A. Yes.

Q. Have you lived in Waukegan for some time?

A. I was born and raised here.

Q. You were born and raised here?

A. Yes.

Q. How long did you work at Johns-Manville?

A. About eight months.

Q. Where did you work before that?

A. I drove a truck.

Q. You drove a truck?

A. Yes.

Q. Your own truck?

A. No; a teamster's truck; I drove for a contractor.

Q. You drove for a contractor?

A. Yes.

Q. You were working on various jobs, construction work?

A. Various jobs.

Q. How long had you been a truck driver?

A. About ten or twelve years.

Q. I suppose that pretty well covers your working time, does it not?

A. I think it does.

Q. So during the time you have been working, you 1961 have been engaged as a truck driver, an electric crane operator, and now you are engaged in the chemical department at Fansteel, is that right?

A. Yes, sir.

Q. I presume you know that they have labor trouble down there, do you not?

A. Yes.

Q. They had some difficulty with lodge 66, is that right?

A. Yes.

Q. How did you come to assist in the organization of the Rare Metals Workers Union?

A. Well, there was quite a bit of talk around there about organizing. I happened to know this here gentleman, Hank—

Q. Hank Berquist?

A. Hank Berquist. I just asked him about it, and he told me—well, I said, "If I can do anything to help the boys, I will do it", and that is the way it started.

Q. Did you attend any meetings that were held, in which there was talk about getting the organization going?

A. A few.

Q. Where was the first meeting? Do you remember that?

A. The first meeting was when they said there was a group of five or six, I believe, going to the office in fifteen minutes.

Q. Yes.

A. That was the way it first started.

1962 Q. What office did you go to?

A. The head office.

Q. You went over to the head office?

A. Yes.

Q. Who did you talk with over there?

A. Mr. Anselm.

Q. What did you talk with Mr. Anselm about?

A. We told him we was organizing.

Q. What did he say?

A. He said, "Under the labor act you employees have a right to."

Q. Who was in that group that went to see Mr. Anselm?

A. Hank Berkquist, Sylvin, and there was a few others; I don't know their names.

Q. At least you remember Sylvin and Berkquist, anyway?

A. Yes.

Q. You do not remember anybody else at this time?

A. No.

Q. Do you remember about what date that was?

A. That was the first part of the month.

Q. The first part of the month of April?

A. Yes.

Q. Is that right?

A. Yes.

Q. Did you have any further or other meetings?

1963 A. Well, we had meetings to see whether the majority of the folks wanted it or not.

Q. Whether the majority of the people employed wanted an independent organization or did not want an independent organization? Is that right?

A. Yes.

Q. Where was that meeting held?

A. Building 14.

Q. Building 14.

A. Yes.

Q. That was held on what day?

A. I couldn't say offhand what day it was.

Q. If I told you it was the 15th of April, do you think that would be about it?

A. I couldn't tell you the date.

Q. I beg your pardon?

A. I couldn't tell you the date.

Q. You could not tell me the exact date?

A. No.

Q. How did you get notices around to the folks that a meeting was going to be held?

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A. Berkquist posted some posters around.

Q. He posted those on the bulletin board?

A. Yes.

Q. Whose permission did you have in the plant to
1964 post them on the bulletin board?

A. Mr. Sylvin got permission.

Q. Did you talk to Mr. Anselm about permission to use
the bulletin boards when you were there the first time, when
the committee went over to see him and told him they were
organizing?

A. Yes, I believe we did.

Q. Did he say at the time it would be all right to put them
up?

A. On our own time, and if we did our own work.

Q. But not on the company's time?

A. Yes.

Q. He said it would be all right to post them on the board,
is that right?

A. Yes.

Q. Who gave you permission to use building 14?

A. I think Mr. Anselm.

Q. Mr. Anselm?

A. Yes.

Q. Of course, the meeting was held on the men's own
time?

A. Yes.

Q. It was held after working hours, was it not?

A. Yes.

Q. Do you remember how many days those notices were
up before you had this meeting?

1965 A. It usually runs a day or two days.

Q. About a day or two; just so that everybody knew
a meeting was going to be held, is that right?

A. Yes.

Q. How did you get the folks down there?

A. Down where?

Q. Building 14 is outside of the fence, is it not?

A. Yes.

Q. Did someone tell them where to go?

A. It was on the bulletin board.

Q. That was in the notices?

A. Yes.

Q. Did you have anyone outside of the plant gate direct-
ing them down to that building?

A. I don't think we did. I don't recall for sure.

Q. You do not recall?

A. No.

Q. No member of the committee directed them down there, is that right?

A. No.

Q. Just what happened at that meeting, Mr. Johnson?

A. They held a vote, to see whether a majority wished to have a Rare Metals Workers Union.

Q. This ballot which I now hand you (handing document to witness) I believe is one of the ballots that was used 1966 there, is that right?

A. Yes, it was.

Q. Hank Berkquist I believe got those, did he not?

A. To my knowledge he did, yes.

Q. To your knowledge Henry Berkquist produced the ballots, is that right?

A. Yes.

Q. Do you recall how many people attended that meeting, Mr. Johnson?

A. Not offhand.

Q. Do you recall the result of the vote?

A. It was about a hundred and eighty-five, or a hundred and ninety, or something similar to that.

Q. One hundred and eighty-five or one hundred and ninety voted for the independent organization?

A. Yes.

Q. Do you remember how many votes were cast against it?

A. Ten or fifteen blanks.

Q. There were ten or fifteen blanks, which means that the people did not vote at all?

A. There were ten or fifteen blanks, yes.

Q. Do you remember how many votes there were against it? Do you remember how many ballots there were which voted "no" on the thing?

A. No, I don't recall.

1967 Q. Do you think that everybody who attended the meeting voted?

A. Yes.

Q. Or at least put a ballot in the box?

A. Yes.

Q. Did you have a regular ballot box there?

A. Yes.

- Q. Who counted the votes?
A. There were two judges, and three clerks.
Q. Who selected them?
A. They were selected by the officers.
Q. Who were the presiding officers at the meeting?
A. Sylvin, Wedell and myself.
Q. You just named the judges and tellers to take the vote?
A. Yes.
Q. Now, after the vote was taken, was there any other business transacted at that meeting?
A. The boxes were sealed and taken and put in the vault.
Q. The ballots you say, were sealed?
A. Yes.
Q. And put in the vault?
A. Yes.
Q. In what vault were they put?
A. I believe we got a vault over in the main office to
1968 put them in.
Q. I beg your pardon?
A. In the main office.
Q. The vault in the main office of the company?
A. Yes.
Q. Is that right?
A. Yes.
Q. That is where the company normally keeps its papers,
is that right?
A. Yes.
1969 Q. Are they still there?
A. To my knowledge they are.
Q. That was the last you saw of them, is that right?
A. Yes.
Q. Who did you deliver the ballots to, over there?
A. Well, the judges and clerks, took them over.
Q. The judges and clerks took them over?
A. Yes.
Q. They delivered them to some one over at the office, is
that right?
A. Yes.
Q. Did you transact any business of any kind at that meet-
ing?
A. No. That was all that the majority of the business
was, just the election.
Q. That was just an election to determine whether the
fellows wanted that kind of an organization?

A. Yes.

Q. Then as a result of that election, I suppose the committee went forward with the work of incorporating the by-laws, is that right?

A. Yes.

Q. And you participated in that, did you not?

A. Yes.

Q. Just tell me what your part in that thing was.

A. Well, after that was over, we started. We went
1970 up and got a lawyer, which happened to be Mr. Hendee.

Q. Yes. How did you happen to go to Mr. Hendee?

A. Mr. Sylvin said he knew him pretty well, and that we ought to go up there, that it was O. K.

Q. You discussed your problem with Mr. Hendee?

A. Yes, sir.

Q. Did he suggest that you incorporate under the laws of Illinois?

A. Yes.

Q. You instructed Mr. Hendee, did you, to prepare the papers?

A. To prepare the papers, and get a charter.

Q. Was it his idea to incorporate, or your idea to incorporate?

A. That is what we had a vote for.

Q. That was the purpose of your vote?

A. Yes.

Q. It was a vote to incorporate, is that right?

A. Yes.

Q. Did you know that some labor organizations incorporate, and some labor organizations do not incorporate?

A. Some of them do.

Q. What led you to take this particular form for your organization?

A. Well, most organizations do not incorporate.

1971 Q. I beg your pardon?

A. Most of them do not incorporate.

Q. That is right. How did you make up your mind that this was the way you wanted your organization to go?

A. The majority of the boys down there wanted it.

Q. Did the question of whether the organization should be incorporated or not incorporated come before the meeting of the whole group, or was that determined by the committee?

A. The committee.

- Q. It was determined by the committee?
- A. I am pretty sure, yes.
- Q. Who in the committee suggested that you incorporate?
- A. It was mostly general talk.
- Q. It was just general talk in the committee?
- A. Yes.
- Q. I suppose some of the folks, some of the boys on the committee knew that some organizations were incorporating under the laws of Illinois, and some were not, and there was general talk about it; then you decided to incorporate, is that right?
- A. Yes.
- Q. Who put up the money to incorporate?
- A. Mr. Sylvin got \$10 for the charter.
- Q. Do you know where he got the money?
- A. No. He borrowed it some place.
- 1972 Q. Do you know from whom he borrowed it?
- A. No, I don't.
- Q. Did he ever say who loaned it to him?
- A. He said he borrowed it off his check.
- Q. Off of his check?
- A. Yes.
- Q. He drew in advance on his pay, is that right?
- A. That is what he said.
- Q. At least the \$10 that he got came from the company, but it was an advance on his pay, is that right?
- A. An advance on his pay.
- Q. That would be an advance on his pay for the period ending April 20th, I suppose, would it not?
- A. I believe it would be.
- Q. So if he did borrow, or get an advance on his pay the company's records would show he had an advance, would they not?
- A. I judge they would, yes.
- Q. Now, after you applied for your charter—withdraw that.
- I will show you Board's exhibit No. 31, which is the charter of your lodge. Is this your signature here? (Indicating.)
- A. Yes, sir.
- Q. This is the paper that you signed at Mr. Hendee's office, to get a charter, is it not? I mean, this is a photo-
- 1973 static copy of that paper? .
- A. Yes.

Q. After you got that charter back, did you have further meetings of the lodge?

A. We had a meeting of election of officers.

Q. Do you recall on what date that was?

A. No, I couldn't.

Q. I beg your pardon?

A. I couldn't.

Q. Were you elected to an office?

A. No, sir.

Q. I have a card here signed "R. Johnson". That would not be you then would it?

A. Yes.

Q. Is that you?

A. Yes.

Q. You signed as secretary and treasurer of the lodge?

A. Yes.

Q. Were you elected to that office?

A. Not elected; that was temporary.

Q. This was in the organization period?

A. Yes.

Q. Is that right?

A. Yes.

Q. This is dated April 23rd.

1974 A. Yes.

Q. That would be just about the time, I suppose, the charter got back, and just before you had your election of officers, is that right?

A. Yes.

Q. How were the officers nominated?

A. They were nominated from the floor.

Q. In a meeting called for that purpose?

A. In a meeting.

Q. Where was that meeting?

A. In building 14.

Q. Do you recall the date on which that meeting was held?

A. No, I do not.

Q. Who gave you permission to use building 14 for that purpose?

A. Mr. Sylvan got permission.

Q. Do you know whom he talked to?

A. No, sir.

Q. At least you held a meeting there, is that right?

A. Yes.

Q. Nobody objected to it?

A. No, sir.

Q. Do you recall what officers were nominated—or rather, what persons were nominated for the various offices?

A. They were all new faces to me.

1975 Q. They were all new to you, were they?

A. Yes.

Q. Well, after the nominations were had, were ballots printed?

A. Yes, sir.

Q. Who had the ballots printed?

A. Hank.

Q. Hank did that again?

A. Yes.

Q. You are referring to Henry Berkquist?

A. Henry Berkquist.

Q. Now, wasn't there later an election of officers, at which these ballots were cast?

A. Yes.

Q. How was that election conducted?

A. That was—

Q. First, what notice was there of the election?

A. There was a notice on the Board of those who were running for office.

Q. That is, the slate was posted on the bulletin board, is that right?

A. Yes.

Q. In what form were those notices? Were they printed notices, or typewritten?

A. They were printed, I believe.

1976 Q. You believe they were printed?

A. Yes.

Q. That was posted on the bulletin board, is that right?

A. Yes.

Q. Do you know whether it was posted on more than one bulletin board?

A. Yes. There is quite a few boards.

Q. There are a number of them around the plant, are there not?

A. Yes.

Q. Do you know whether it was posted on all of the boards or not?

A. Yes.

Q. Did you assist in the posting of them?

A. In posting our building, yes.

Q. In posting your building?

A. Yes.

Q. How many bulletin boards are there in your building?

A. There is one.

Q. There is one?

A. Yes.

Q. That is building 3, is it?

A. Building 8.

Q. Building 8?

A. Yes.

1977 Q. I presume there is a bulletin board in every building, is there not?

A. I guess there is.

Q. That is, every building in which people work?

A. Yes.

Q. Those are boards at which employes usually receive notices that the company desires to give to its employes, is that right?

A. Yes.

Q. How long before the election was held were these notices posted?

A. There was an election of officers, two days, I believe, later.

Q. Two days later?

A. Yes.

Q. Where were the ballot boxes?

A. In the lobbies of these buildings.

Q. What hours were the polls open?

A. From 12:00 to 12:30.

Q. That is, at noon time?

A. Noon. In the afternoon—I don't know if it was 3:00 or 3:30 to 4:00; either one.

Q. Who was in charge of the ballot box in building 3?

A. I don't know.

Q. Do you know who was in charge of the ballot box 1978 in building 5?

A. No, I don't.

Q. Did all the employes who were working in the various buildings around there come into the lobbies of these buildings and cast their ballots?

A. Yes.

Q. How did the ballots get into the hands of the voters?

A. They were handed them, and the names taken.

Q. Each name was checked off, to see that they were entitled to vote?

A. Yes.

Q. I suppose that was checked off from the union list?

A. Yes.

Q. Was there an election committee in charge of the running of the election?

A. There was a committee.

Q. Who was on that committee?

A. That I don't know.

Q. Would that be about the same committee that had assisted in the organization of the lodge?

A. They was picked out of each building.

Q. They were picked from each building?

A. Yes.

Q. From building 5?

A. Yes.

1979 Q. And from building 3, is that right?

A. Yes.

Q. Were the other buildings of the plant represented on the committee?

A. Yes.

Q. Did each building send a representative? Is that right?

A. Each building had somebody there.

Q. Each building had somebody there?

A. Yes.

Q. Were there tellers, and watchers?

A. Tellers, watchers, and judges.

Q. And judges?

A. Yes.

Q. After the ballots were counted, what became of those ballots?

A. Those were sealed.

Q. Where did they go?

A. They were taken over, I think, to the safe, too.

Q. They were put in the company's safe, is that right?

A. Yes.

Q. Do you know who had charge of that?

A. No, I don't.

Q. You do not know to whom they were given over at the office of the company, do you?

A. No.

1980 Q. After the election of officers, were your officers installed?

A. Yes, sir.

Q. Did you have any further meetings after that?

A. After the installation of officers?

Q. Yes. Did you have a meeting for the purpose of installing officers?

A. Yes.

Q. Was there any business transacted at that meeting?

A. Only getting the hall.

Q. Only the getting of a hall?

A. Yes.

Q. Where was the meeting held at which the officers were installed?

A. Building 14.

Q. That was again in building 14, is that right?

A. Yes.

Q. Do you know who obtained permission for the use of that building?

A. The same man that done it the other time.

Q. Mr. Sylvin, is that right?

A. Yes.

Q. You had a meeting there and installed officers. Did you transact any other business at that meeting?

A. Just the getting of another hall.

1981 Q. I beg your pardon?

A. Just the getting of another hall.

Q. Just the getting of another hall?

A. Yes.

Q. Who all attended that meeting?

A. I don't know,—

Q. Did the entire membership of the lodge attend this meeting?

A. A majority.

Q. A majority?

A. Yes.

Q. The officers, then, I suppose entered into their duties, did they not?

A. Yes.

Q. Did they get another hall?

A. Yes.

Q. At which to hold meetings of the membership?

A. Yes.

Q. Where was that hall?

A. On Sheridan Road in North Chicago.

Q. On Sheridan Road in North Chicago?

A. Yes, across from the theater there.

Q. It is a place where the lodge can meet, is that right?

A. Yes.

Q. Did you later formulate any by-laws?

1982 A. Yes.

Q. I presume those were prepared by your counsel, in conjunction with the committee, is that right?

A. Yes.

Q. Who was on the by-laws committee?

A. They were elected by the officers.

Q. The By-laws Committee was selected by the officers, you say.

A. Yes.

Q. Or appointed by the various officers?

A. Yes.

Q. Then, did you have a meeting for the purpose of adopting by-laws?

A. I believe they did.

Q. Just tell us how the by-laws were adopted?

A. I wasn't there at the meeting that night.

Q. You did not attend?

A. No.

Q. For some reason you could not come?

A. I couldn't go. I had another meeting myself.

Q. Were the dues fixed by the by-laws?

A. Yes.

Q. I presume it was the treasurer's duty, or the financial secretary's duty to collect them, was it not?

A. Yes.

1983 Q. How much were the dues in the lodge?

A. Right now they are 50 cents.

Q. A month?

A. Month.

Q. Those dues, I presume, were collected by the financial secretary of the union?

A. Yes.

Q. Do you know who collects the dues?

A. Bristol collected mine.

Q. He collected yours?

A. Yes.

Q. You then, are a member in good standing for the month of June, isn't that right?

A. Yes.

Q. Have you had any meetings in the month of June?

A. Yes, the first part of the month.

Q. Your normal meeting date falls in the first part of each month, does it?

A. Similar to the first part. They haven't got a regular date set yet.

Q. They have not had time to fix the most convenient date for all of the members, is that right?

A. Yes.

Q. Do you have a grievance committee of your union?

A. Yes.

1984 Q. Who is on the Grievance Committee?

A. It is made up of a member from each building.

Q. What is that?

A. A representative from each building.

Q. A representative from each building?

A. Yes.

Q. Who is eligible for membership in your union?

A. Those on an hourly basis.

Q. Excluding, I suppose, foremen, straw bosses, clerical help and salaried people, is that right?

A. Yes.

Q. How many members does your union have now?

A. I don't know; about 230, I believe.

Q. 230?

A. Yes.

Q. At sometime before the organization was actually formed, there were petitions circulated, were there not?

A. Yes.

Q. I beg your pardon?

A. Yes.

Q. I believe you helped circulate one of those, did you not?

A. Yes.

Q. How many members indicated their desire to join—or rather, how many employees indicated their desire to join the independent lodge by signing those petitions?

A. A little over 200, I believe.

1985 Q. A little over 200?

A. Yes.

Q. I believe Mr. Sylvin told me there were 221, 222 or 223, or something like that.

A. Yes.

Q. That is about correct, is that right?

A. Yes.

Q. You have had a few join since that time?

A. Yes.

Q. By signing this petition, that indicated their willingness to become a member when the organization was formed, is that right?

A. Yes.

Q. They did not have to make any further or other application for membership after it was formed?

A. No, sir.

Q. I presume that those who did not become charter members have to fill out a different kind of an application, do they not?

A. Yes.

Q. What form of an application is that?

A. They pay a little different rate on dues?

Q. They have a different rate of dues?

A. Yes, and initiation.

Q. Is there an initiation fee now?

1986 A. Yes.

Q. How much is that?

A. I couldn't say offhand.

Q. Was the rate of dues for charter members a little lower than it was for members who came in later?

A. Yes.

Q. What was the rate of dues for charter members?

A. 25 cents.

Q. A month?

A. Yes.

Q. And the present rate for new members is 50 cents, is that right?

A. Yes.

Q. How long does that 25 cents a month rate continue for charter members?

A. That was just for the first month.

Q. Just for the first month?

A. Just for the first month, yes.

Q. Now, everybody pays 50 cents, is that right?

A. That is right.

Q. Have you elected a Negotiating Committee to negotiate with the company concerning hours, rates of pay, and other conditions?

A. I believe the officers have. I am not sure.

- Q. You are no longer an officer?
- 1987 A. No, sir.
- Q. Did you talk with any other of the officials of Fansteel, either foreman or above, besides Mr. Anselm when you were discussing the organization of this lodge?
- A. No, sir.
- Q. Do you know if any of the other boys talked to any foreman?
- A. Not to my knowledge.
- Q. Who is your foreman?
- A. Simms.
- Q. Did you ever discuss the fact you were organizing, with Simms?
- A. No.
- Q. You never have, yourself?
- A. Not myself, no.
- Q. Did Simms ever say anything to you about it?
- A. Yes.
- Q. What did Simms say to you about it?
- A. That he hoped the organization would go through O. K.
- Q. He would like to see it work out, would he?
- A. Yes.
- Q. The Chemical Building is a little separate and apart from the other buildings, is it not?
- A. Yes.
- Q. How many men work in that building?
- 1988 A. About 14.
- Q. Are you organized 100 per cent in that building?
- A. Yes.
- Mr. Walsh: You may inquire.

Cross-Examination.

- Q. (By Mr. Keele.) There were two meetings held in building 14, were there not, Mr. Johnson?
- A. Two? I believe there was.
- Q. All right. Now, you made some attempt to find a meeting hall elsewhere, did you not?
- A. Yes.
- Q. You spent one whole night trying to find one here in Waukegan?
- A. Yes.
- Q. Where did you go to try to find a meeting hall?
- A. We went to various places, one was the Moose.

Q. You went to the Moose?

A. Yes.

Q. Who did you talk to?

A. The keeper.

Q. I beg your pardon?

A. The keeper.

Q. The keeper?

A. Yes.

Q. What happened there?

1989 A. He would like to have the organization come there, but on account of the trouble, he would rather have us stay away until it was straightened out.

Q. He said he was afraid of violence, did he not?

A. Yes.

Q. Where else did you go?

A. We went to the American Legion Hall. That was a little bit too high for us.

Q. How much money did they want?

A. Around \$25.

Q. Who did you talk to there?

A. We talked to the keeper there.

Q. The keeper?

A. Yes. From there we went down to the hall by the North Western Station.

Q. The hall by the North Western Station?

A. Yes.

Q. Who did you talk to?

A. The keeper of that. That was a little bit too dark for the girls down there at that time of night.

Q. Where is that?

A. Down below the hill at Washington Street.

Q. At the east end of Washington Street, on the lake end of Washington Street?

A. On the west side of Washington, half way to the bottom of the hill.

Q. There is a saloon or two over there, is there not?

A. There is a saloon in front.

Q. A saloon in front and the hall behind?

A. Yes.

Q. You decided you did not want that hall because the environment was not quite right to have the girls come down, is that right?

A. Yes.

Q. Did you go anywhere else?

A. That is about all.

Q. That required the better part of the whole evening, did it not?

A. Yes.

Q. You were delegated to find a hall outside of the company grounds, if possible, is that right?

A. Yes.

Q. You reported that back, did you not?

A. Yes.

Q. That you were unable to find a suitable hall?

A. Yes.

Q. Is that right?

A. Yes.

Q. You reported that to Mr. Anselm, did you not?

A. No. I reported to Sylvin.

1991 Q. Sylvin?

A. Yes.

Q. Do you know whether Sylvin reported that to Mr. Anselm?

A. I don't know.

Q. Then, the second meeting was held the following day, was it not, after your attempts to get those halls?

A. Either the following day or the second day?

Q. It was a day or two after that?

A. Yes.

Q. You were delegated by the Union to get a hall for the second meeting, if possible, is that right?

A. Yes.

Q. You offered to pay the Fansteel Company for the use of that hall, did you not?

A. Yes.

Q. The space was not occupied by anything at the time, was it?

A. No.

Q. It is not a part of the Fansteel Company, or within the fence of the Fansteel Company, is it?

A. No, sir.

Q. It is not operated by the Fansteel Company, is it?

A. Not to my knowledge.

Q. It is about 350 feet from the main gate to building 14, is it not?

1992 A. Something similar to that, yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: I suggest we adjourn at this time, if the Examiner please.

Trial Examiner Dudley: We will adjourn the hearing at this time, and reconvene in this room at 1:30 o'clock p. m.

(Whereupon, at 12:15 o'clock p. m., a recess was taken until 1.30 o'clock p. m.)

1993 After recess.

(The hearing was resumed at 1:30 o'clock p. m. pursuant to the taking of recess.)

Trial Examiner Dudley: You may proceed, Mr. Walsh.

Mr. Walsh: Is Mr. Strickland here?

Mr. Strickland: Yes.

Mr. Walsh: Take the stand, please, Mr. Strickland.

HAROLD STRICKLAND, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh) State your name, please.

A. Harold Strickland.

Q. Where do you live, Mr. Strickland?

A. 2100 Kimball Avenue, North Chicago.

Q. How long have you been employed by Fansteel?

A. 24 years the 5th of July.

Q. I beg your pardon?

A. 24 years the 5th of July.

Q. You are just a youngster out there, is that it?

A. Just a youngster.

Q. What is your job, Mr. Strickland?

A. I am a furnace repairman, electric furnace repairman.

Q. Is that in the sintering department?

A. No. That is a department by itself.

1994 Q. A department by itself?

A. Yes. We work on the furnaces all over the plant.

We repair them all.

Q. When a furnace gets out of service—

A. I repair it.

Q. —you repair it?

A. Yes.

Q. Were you one of the men who remained in the plant during the strike?

A. No, sir.

Q. You went out?

A. Yes.

Q. When the strike was called?

A. Yes.

Q. Were you a member of Lodge 66?

A. No, sir.

Q. I beg your pardon?

A. No, sir.

Q. You were not?

A. No.

Q. Are you now a member of the Rare Metals Lodge?

A. Yes.

Q. When did you become a member, Mr. Strickland?

A. The 22nd of May.

Q. The 27th of May?

1995 A. No, the 22nd.

Q. Who asked you to join?

A. Ted Sylvin.

Q. Ted Sylvin?

A. Yes.

Q. Were you one of the charter members who signed the petition?

A. No, sir.

Q. You were not?

A. No, sir.

Q. Where were you when Mr. Sylvin asked you?

A. In my department.

Q. In your department?

A. Yes.

Q. About what time of day was it on the 22nd?

A. About ten after twelve, or so.

Q. About ten after twelve. Had the lodge been formally organized by that time?

A. I believe it had.

Q. It had. Did you attend any meetings?

A. I didn't attend a meeting.

Q. I beg your pardon?

A. I never attended a meeting.

Q. You never have attended a meeting?

A. No.

1996 Q. How much dues have you paid to the lodge?

A. 75 cents.

Q. At the time you joined—

A. That was the first—

Q. I beg your pardon.

A. That was the first initiation fee, and a month's dues.

Q. What was that 75 cents for?

A. A 50 cent initiation fee, and 25 cents for a month's dues.

Q. Did you take any part in the balloting at any time?

A. No, sir.

Q. Did you discuss this lodge or union movement with anybody else—

A. No.

Q. —in the department?

A. No, sir.

Q. Did you ever discuss it with any of the fellows who worked at the plant—

A. No, sir.

Q. —other than those in your department?

A. No, sir.

Q. Did you ever discuss it with the foreman or anybody?

A. No.

Q. You did not hold any office in the lodge?

A. I held no office, no.

Q. Do you know whether the lodge has by-laws, or a 1997 constitution?

A. Well, I have heard they were working on them. That is all I know.

Q. You do not know whether they have been formally adopted or not?

A. No, I don't.

Q. Do you know whether they have a grievance committee?

A. No, I couldn't tell you.

Q. Did you ever see any notices posted around for a meeting?

A. I saw notices posted around for meetings, yes.

Q. You yourself have taken no active part—

A. No active part.

Q.—in the lodge?

A. No.

Q. You never became a member of Lodge 66, did you?

A. No.

Q. Were you asked to become a member of that lodge?

A. Yes.

Q. You decided not to?

A. That is right.

Q. After the strike occurred and the plant opened up, I presume you reported for duty?

A. Yes.

Q. On what date did you go back to work?

A. I went back the 2nd of March, I believe.

1998 Q. The 2nd of March?

A. Yes.

Q. Did you get paid for the time the buildings were tied up?

A. Yes.

Q. Did you have any raise in pay after that?

A. No, I don't believe I did.

Q. I suppose you participated in the general raise?

A. The general raise, yes.

Q. In November, 1936?

A. Yes.

Mr. Walsh: That is all. You may inquire.

Mr. Keele: No cross-examination.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Eric Schultz.

ERIC SCHULTZ, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh) State your name, please.

A. Eric Schultz.

Q. What is your address?

A. 1018 Pacific, Waukegan, Illinois.

Q. How long have you been employed by Fansteel?

A. About 20 years.

Q. What is your job over there?

1999 A. Stock clerk.

Q. Stock clerk?

A. Stock clerk.

Q. In what department do you carry on your work?

A. In the Contact Department, building 3.

Q. Have you been there for quite a while?

A. Well, I have been in that stock room since about October.

Q. Since October, 1936?

A. 1936.

Q. Are you now a member of the Rare Metals Lodge?

A. I am not.

Q. You are not a member of the Rare Metals Lodge?

A. No.

Q. Have you heard any talk of that lodge around the shop?

A. Well, I heard a word or two; not very much. I heard somebody say something about an independent union. That is about all I heard.

Q. Did you attend a meeting at which a vote was taken as to whether the men would have an inside or an outside union?

A. I attended not exactly a meeting; it was to find out whether they wanted an independent union or an outside union?

Q. Do you remember when that meeting was, Mr. Schultz?

A. Well, I can't say the exact date. It must have been somewhere in April.

Q. Sometime in April?

2000 A. Sometime in April. I am not sure of that. I didn't keep track.

Q. Where was that meeting?

A. That meeting was in building 14, I think. I am not sure.

Q. Building 14?

A. I think that is building 14.

Q. That is the one that is outside of the fence?

A. Outside of the fence, yes, sir.

Q. How did you know a meeting was going to be held?

A. There was a notice on the bulletin board.

Q. Yes.

A. That there was going to be a meeting.

Q. Did you vote at that meeting? Were ballots passed around, and did the people vote?

A. Ballots were passed around, yes.

Q. I believe this is one of the ballots, is it not?

A. (No answer.)

Q. Does that look like the ballots they passed around at that time?

A. Yes, sir.

Q. Did anyone ask you to join this lodge?

A. Yes, sir.

Q. Who asked you to join?

A. Mr. Sylvin.

Q. Mr. Sylvin?

2001 A. Yes.

Q. When did he ask you, do you remember?

A. Well, I can't just remember. It was about—it must have been about a week or two after the meeting, or somewhere in there.

Q. You declined to join the union?

A. Yes.

Q. Did you ever see any other notices on the bulletin board about the activities of that union?

A. I believe I saw another one about a vote. That was the only one.

Q. About an election they were going to have of their officers?

A. Yes.

Q. Did you ever talk to—who is the foreman in your department?

A. Mr. Henry is my foreman at the present time.

Q. Mr. Luther Henry?

A. Yes.

Q. Did you ever talk to Mr. Henry about this lodge?

A. I didn't say anything to him. I didn't say anything to him about it.

Q. Did he ever say anything to you about it?

A. No, he never.

Q. Did you ever talk to Mr. Anselm about it?

2002 A. No, sir.

Q. So all you know about the lodge is what you saw on the bulletin board, is that right?

A. What is that?

Q. I say, all you know about the lodge is what you saw on the bulletin board. Is that right?

A. What I saw on the bulletin board, yes.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Schultz, did anybody ever tell you to join the Rare Metals Union, any foreman, or any member of the management?

A. No.

Q. Did anybody make any threats to you if you did not join?

A. No.

Q. Did you hear any threats in the factory, if you did not join the union?

A. No.

Q. Or if anyone did not join?

A. No, sir.

Q. Do you know whether any other men working out there in the plant were not members of the Rare Metals Workers Union?

A. No.

Q. You do not know whether there are or not?

A. Yes. There are some that are not.

2003 Q. There are some men out there who are not members?

A. Yes.

Q. Do you know who they are?

A. The only one I know is Van Treeck.

Q. Who?

A. Van Treeck.

Q. Van Treeck?

A. Yes.

Q. Do you know whether Mr. Petraitis is?

A. No, I don't.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a minute. I have one question.

Q. (By Trial Examiner Dudley.) When Mr. Sylbin asked you to join the Rare Metals Union, was that during working hours, or outside of working hours?

A. It was rather early in the morning.

Q. Before the day's work started?

A. Before the day's work started, yes.

Trial Examiner Dudley: That is all.

Mr. Walsh: That is all.

(Witness excused.)

Mr. Walsh: Is Frank Ludlow here?

(No response.)

2004 Mr. Walsh: William Van Treeck.

WILLIAM LEO VAN TREECK, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your full name, please.

A. William Leo Van Treeck.

Q. Where do you live?

A. On Holdridge.

Trial Examiner Dudley: Will you spell that for us, please.

The Witness: H-o-l-d-r-i-d-g-e.

Trial Examiner Dudley: No, I mean spell your last name.

The Witness: V-a-n T-r-e-e-c-k.

Q. (By Mr. Walsh.) How long have you been employed by Fansteel?

A. 12 or 13 years.

Q. You will have to talk louder.

A. 12 or 13 years.

Q. What is your job?

A. Grinder.

Q. In the Contact Department?

A. Yes, sir.

Q. Were you a member of Lodge 66?

A. Yes, sir.

Q. And did you participate in the strike that occurred there?

A. Yes, sir.

Q. You later returned to work, did you?

A. Yes, sir.

Q. When did you return to work?

A. I returned on the 19th.

Q. Did you get your old job back?

A. Yes, sir.

Q. Did you return to work at the same rate of pay you had been getting before the strike?

A. I used to work piecework. Now, there is no more piecework. I work day work.

Q. It is all hourly work now?

A. Yes.

Q. What are your earnings? Are they more now or less than when you worked on piecework?

A. About the same, sir.

Q. Just about the same?

A. Yes, sir.

Q. Did you receive pay for the time the buildings were tied up?

A. No, sir.

Q. You did not?

A. No.

Q. Did you become a member of the Rare Metals Lodge?

2006 A. No, sir.

Q. Did you hear any talk about that lodge in the plant?

A. No, sir.

Q. Did you attend any meetings to vote as to whether there was going to be an independent lodge or not?

A. Yes.

Q. Was that the meeting we have been talking about that was held in building 14?

A. Yes, sir.

Q. That was around about the 18th of April?

A. I judge so.

Q. You would not remember the exact date?

A. No.

Q. That was held along late in the afternoon, was it not?

A. I guess about three-thirty or four o'clock, something like that.

Q. Just after the day shift finished its work, that meeting was held, was it not?

A. I guess so.

Q. How did you know a meeting was going to be held?

A. I happened to see a notice on the bulletin board.

Q. Did anyone tell you to go to the meeting?

A. No, sir.

Q. Did anyone direct you down there?

A. No, sir.

2007 Q. Did you vote in that meeting?

A. Yes, sir.

Q. The ballots were taken up at that time, were they?

A. Yes, sir.

Q. Did you participate in any way in the organization of that lodge?

A. No, sir.

Q. Did you talk to any of the management about this lodge?

A. No, sir.

Q. Did you talk to any of the other workers about the lodge?

A. No, sir.

Q. Did anyone ask you to join the lodge?

A. Yes, sir.

Q. Who asked you?

A. I think his name is Ted Sylvin.

Q. Ted Sylvin?

A. Yes, sir, I think so.

Q. He is the man who testified this morning, is he not?

A. Yes.

Q. When did he ask you to belong, do you remember?

A. Well, it was in the morning before working hours.

Q. He came in to your department, did he?

A. Yes.

Q. Does he work in the same building you do?

A. The same building.

2008 Q. But in a different department, I believe; is that right?

A. He works in the basement. I work on the first floor.

Q. Do you remember the day he talked to you?

A. No, I do not.

Q. Did you ever see any other notices on the bulletin board about this lodge?

A. I seen a notice about electing officers.

Q. Calling attention to the fact that an election was going to be had to elect permanent officers for the lodge; is that right?

A. Yes.

Q. You were not a member, so it did not interest you very much, is that right?

A. No, sir.

Q. How does it happen you attended the meeting that was held in building 14, Mr. Van Treeck?

A. Sir?

Q. How did you come to attend that meeting they held down in building 14?

A. On the vote?

Q. Yes.

A. Well, everybody was going, so I went too.

Q. It was talked of, I suppose, through the department, was it not?

A. Yes.

2009 Q. You decided you would go down and express your opinion as to whether you wanted an inside union or not, is that right?

A. Yes, sir.

Q. Do you remember what the result of the vote was?

A. No, sir.

Q. Was the result of the vote ever posted on the bulletin board?

A. Not to my knowledge.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) Did anybody threaten you with reference to joining the Rare Metals Workers Union?

A. No, sir.

Q. Did you hear anyone down there being threatened?

A. No, sir.

Q. Did anyone connected with the management, or any member of the force of foremen ask you to join the union?

A. No, sir.

Q. Did they tell you to join the union?

A. No, sir.

Q. You came back to work of your own volition, did you not?

A. Yes, sir.

Q. You were not asked, were you? You came back and applied for your job?

A. Yes.

2010 Q. You did not come back until the 19th of March?

A. Yes.

Q. Is that right?

A. Yes.

Q. The men who came back after the 13th of March did not receive money for the time the sit-down was in progress, is that right?

A. Yes.

Q. The men that came back before that time did?

A. Yes, I guess so.

Q. That is your understanding, anyway, is it not?

A. That is what I heard.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused, Mr. Van Treeck.

(Witness excused.)

Mr. Walsh: Frank Osenek.

FRANK OSENEK, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh.) State your name, please.

A. Frank Osenek.

Q. Spell the last name, please.

2011 A. O-s-e-n-e-k.

Q. Where do you live?

A. 1023 Jackson Street, North Chicago.

Q. How long have you been employed by Fansteel?

A. About five and a half years.

Q. What is your job?

A. Drawing wire.

Q. What kind of wire?

A. Molybdenum wire.

Q. Were you one of the men who occupied the buildings during the strike?

A. Yes, I was.

Q. You returned to work after the strike?

A. After the first attack.

Q. When?

A. After the first attack I was out.

Q. You went out of the buildings after the first gas attack?

A. Yes.

Q. What day did you get out of the buildings?

A. On the 19th; in the evening, on the 19th.

Q. On the 19th, in the evening; is that right?

A. Yes.

Q. At that time you were a member of Lodge 66, were you not?

A. Yes.

Q. Did you take any active part in the strike after the 19th?

2012 A. No.

Q. Did you help get any food into the buildings?

A. No.

Q. Did you help on the picket line or anything?

A. No.

Q. Had you been an officer of Lodge 66?

A. No.

Q. Just a member, is that right?

A. That is right.

Q. Now, when the trouble broke out on the 17th, did the bosses tell you to stop work?

A. Not the bosses, but a lot of those fellows; a lot of those members.

Q. The committee said to stop work, is that right?

A. Yes, sir.

Q. When did you return to work for the company?

A. When the plant started up again.

Q. As soon as the plant reopened?

A. I think it was about one week after the second attack.

Q. One week after the second attack?

A. Yes.

Q. Did the company take up your pass and give you a new pass?

A. Yes.

Q. Did anybody ask you to come back to work?

A. Yes. My foreman came to the house.

2013 Q. Who is your foreman?

A. Florin Schardt.

Q. Florin Schardt?

A. Yes.

Q. He asked you to come back, is that right?

A. Yes.

Q. You returned?

A. Then I went down to the office and filled out an application.

Q. Did you get any pay for the time the buildings were tied up?

A. Yes. I got paid.

Q. How much pay did you get?

A. I don't know just how much it was. It was around \$30, over \$30.

Q. Did you get the same rate of pay after the strike as you did before?

A. Yes, sir, the same.

Q. What was your rate of pay before the strike?

A. 65 cents an hour.

Q. How much is your rate, now?

A. The same thing.

Q. The same thing.

A. Yes.

Q. That is on an hourly basis, is it?

2014 A. Yes.

Q. I believe you are now a member of the Rare Metals Lodge, is that right?

A. Yes.

Q. When did you become a member?

A. Oh, about—I don't know just exactly how long ago. I couldn't say that. It was about two months, I guess.

Q. Two months?

A. Or a month and a half.

Q. Who asked you to become a member of the lodge?

A. One fellow who has quit a couple of weeks ago, he came to me and he says, "Do you want to sign it?" And I said, "Yes."

Q. Do you remember what his name was?

A. His first name is Bill.

Q. You do not remember his last name?

A. No.

Q. Was he a new man or an old man with the company?

A. He was working there once before, but he was laid off, and then he worked after that again.

Q. Where did he work, in what department?

A. In the same department.

Q. Your own department?

A. Yes.

Q. Did you hear any talk in the department about this lodge?

A. You mean, about the independent?

2015 Q. Yes, the Rare Metals Lodge.

A. Well, of course, they went around and tried to organize.

Q. Were you one of the men who signed a paper before the lodge was organized?

A. I signed what kind of a paper?

Q. Did you sign any paper before the lodge was organized?

A. I don't know. I couldn't say on that.

Q. Did you go to the meeting that was held in building 14?

A. Yes, I was there.

Q. You voted on the question of whether there should be an independent lodge or not?

A. Yes.

Q. Do you remember how many people were at that meeting?

A. I couldn't say that, but there was a big crowd. There was a big crowd there.

Q. How did you know there was going to be a meeting?

A. Well, the guys came around who started it and they told us to be there at the meeting.

Q. Who was it that told you that?

A. I guess some fellow, the same fellow who gave me a card.

Q. The same fellow who signed you up?

A. Yes.

Q. Do you know who all were down at that meeting?

A. I couldn't say.

Q. The whole crowd was there, is that right?

2016 A. The whole bunch almost, anyway.

Q. Later did you become a membebr of the lodge, right after that meeting, or was it some time afterwards?

A. Well, about a week after that.

Q. About a week after that?

A. Something like that.

Q. Did you go to the meeting where they nominated officers?

A. No.

Q. You did not go to that meeting?

A. No.

Q. Did you know about that meeting?

A. Well, I know, but we don't—nobody else don't go there, just the committee.

Q. Oh, I see. You think there was a committee that went down and nominated the officers, is that right?

A. Yes.

Q. At least you did not go to the meeting, is that right?

A. No.

Q. Did you vote for the officers?

A. Yes.

Q. What building are you in?

A. No. 5.

Q. Building 5?

A. Yes.

Q. Where did you vote?

2017 A. Down below, by the clock.

Q. In the lobby, by the clock?

A. Yes.

Q. Is that right?

A. Yes.

Q. Was there a ballot box there?

A. Yes.

Q. When you came down to vote, did they give you a ballot?

A. Yes.

Q. You indicated, or marked down who you wanted to be officers?

A. Yes.

Q. You put the ballot in a box?

A. Yes.

Q. Is that right?

A. Yes.

Q. Who was in charge of that ballot box? Do you know the man?

A. I think it was Bristol; his name is Bristol.

Q. Bristol was in charge of that ballot box, was he?

A. Yes.

Q. What time of day did you vote?

A. I can't say. I couldn't remember that.

Q. You could not remember?

A. No.

2018 Q. Was it during the lunch hour, or was it after work?

A. The noon hour, yes.

Q. During the noon hour?

A. Yes.

Q. Now, did you go to any other meetings of the lodge?

A. Twice, yes.

Q. Twice?

A. On the outside, yes.

Q. They were not held on the company's property, were they?

A. No.

Q. Where were those meetings held?

A. One of them was in Holy Family, and another one was downtown in North Chicago, at the North Chicago Auditorium.

Q. The North Chicago Auditorium?

A. Yes.

Q. One was in Holy Family Church hall, was it not?

A. Yes.

Q. Who rented that hall for you?

A. I don't know.

Q. Is that your church?

A. No.

Q. You do not go to that church?

A. No.

Q. Do you know anybody from the company that goes to that church?

2019 A. No. Well, I know some workers.

Q. Some workers?

A. Yes.

Q. Do you know any foremen that go to that church?

A. My foreman went to that church.

Q. Who is your foreman?

A. Florin Schardt.

Q. That is Florin Schardt's church?

A. Yes.

Q. Do you know whether Mr. Schardt helped to make arrangements to get the hall?

A. I don't know nothing about that.

Q. What was done at that meeting?

A. I have almost forgot it already. They just kept on going with everything that they was supposed to do.

Q. They held a meeting to talk about dues, did they?

A. Yes.

Q. Did you pay any dues to this lodge?

A. Yes.

Q. How much did you pay?

A. The first time I paid 25 cents, and then I paid 50 cents.

Q. The second time you paid 50 cents?

A. Yes.

Q. When did you pay your last dues?

A. About three weeks ago.

2020 Q. Who did you pay that money to?

A. To the treasurer.

Q. How is that?

A. The treasurer.

Q. Who was the treasurer?

A. Bristol.

Q. That is Mr. Bristol, is it?

A. Bristol, yes.

Q. When did Mr. Bristol get your dues from you?

A. Oh, right in the place, at that North Chicago Auditorium there.

Q. When you went to the meeting at the North Chicago Auditorium—

A. Yes.

Q. —he collected your dues there?

A. Yes.

Q. What happened at that meeting at the North Chicago Auditorium?

A. They just collected dues, and certain things goes on.

Q. The regular business of the lodge, I suppose.

A. Yes. That is right.

Q. Do you know how many members the lodge has?

A. It must have over 230, or something like that.

Q. Did you ever talk about this lodge with Mr. Schardt?

A. No.

2021 Q. You know Mr. Schardt pretty well, do you not?

A. Yes.

Q. Did he ever say anything to you about it?

A. No, not a thing.

Q. Did anybody else, any foreman ever say anything to you?

A. Nobody, no.

Q. Did they talk about the by-laws of the lodge at the meeting?

A. Well, of course they talked about that.

Q. Where did they talk about that?

A. In the meeting.

Q. In the meeting?

A. Yes.

Q. Which meeting was that?

A. I guess it was in both of them.

Q. In both meetings they discussed by-laws, is that right?

A. (No answer.)

Q. Did the members vote on the by-laws, whether they were going to adopt them or not?

A. I can't remember all of that. I just remember some.

Q. They had a membership drive out there at the plant, did they not?

A. Well, I don't know—

Q. Everybody was supposed to be in the lodge by the 9th of June, is that not right?

2022 A. I don't know—I couldn't remember that.

Q. Did you not hear everybody had to join the lodge by the 9th of June?

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- A. I couldn't say that. I can't remember.
Q. Was it some other date that they had to join the lodge by?
A. No. I can't say that.
Q. Are you on any of the committees?
A. No.
Q. At what time of day was it that Bill asked you to join the lodge?
A. About seven weeks, or something like that. I don't know just exactly.
Q. Do you remember what time of day it was?
A. No.
Q. Was it while you were working?
A. It was at noon hour; I couldn't say the date.
Q. Where were you, down in the yard?
A. No. I stayed right by my job.
Q. You were eating lunch right by your job, were you?
A. Yes.
Mr. Walsh: That is all.
Mr. Keele: That is all.
Trial Examiner Dudley: You may be excused.
(Witness excused.)
Mr. Walsh: Mr. Anselm, will you take the stand.

2203 A. J. ANSELM, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

- Q. (By Mr. Walsh.) State your name, please.
A. A. J. Anselm.
Q. Where do you live?
A. Lake Bluff.
Q. Illinois?
A. Illinois.
Q. You are the plant superintendent at Fansteel Metallurgical Corporation, are you not?
A. That is correct.
Q. You have been employed by that company for a number of years in one capacity or another, have you not?
A. About 18 years.
Q. I believe for one period of time you were detailed to the Vascoloy Ramet Company as one of their sales engineers?

A. That is correct.

Q. You reassumed your duties as superintendent of the plant about September 8th of this last year, is that right?

A. You have the date correct.

Q. After the trouble had occurred down there, Mr. Anselm, did you have a talk with the committee who were organizing the Rare Metals Lodge?

A. I did.

2024 Q. I believe that was Mr. Johnson, Mr. Sylvan, and Mr. Berkquist?

A. That is the committee.

Q. Was there anybody else on that committee?

A. I believe that accounts for them all.

Q. They advised you at that time I believe that they were about to organize an independent labor organization, did they not?

A. Correct.

Q. They asked your permission to use the bulletin board for posting notices, is that right?

A. No. They didn't ask on that day.

Q. Did they ask you at a later day?

A. Yes, they did.

Q. You gave them permission to use the bulletin board?

A. I did.

Q. What was the subject of the first conference that you had?

A. They wanted to use the unoccupied space in building 14.

Q. I see.

A. The first floor is rented to Vascoloy Ramet. The second and third floors are vacant.

Q. I see.

A. I called our chief counsel and asked him whether I could let them have that space. He said, "If there is no place for them to go, let them have it."

2025 Q. You were advised, I take it, at that time there was no available space for them to meet in?

A. I was.

Q. Do you recall about when that took place in the point of time, Mr. Anselm?

A. Maybe between the 12th and the 15th of April.

Q. Do you recall if they did avail themselves of the space, and hold a meeting there?

A. I would not know, only by hearsay.

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Q. You have heard the men testify here to that, have you not?

A. Yes.

Q. I suppose you issued instructions to the person in charge of that building that it was all right for them to meet there, is that right?

A. There does not happen to be anybody in charge of that building. It has an outside stairway.

Q. It did not necessitate any formal work on your part then, is that right?

A. It is accessible from the outside.

Q. It is outside of the company's fence, I believe, is it not?

A. Yes.

Q. Do you know whether they met there on more
2026 than one occasion?

A. I believe not. I heard they met there twice.

Q. They told you they were unable to get another place suitable for a meeting at that time?

A. I heard about that.

Q. They needed some place to meet?

A. Yes.

Q. Now, after the vote that they conducted in the building, it has been testified here today they brought the ballots over and put them in the company's safe; is that right?

A. They brought those over and asked for permission to put them in the safe.

Q. Did they ask you about that?

A. They asked somebody in the office. They did not ask me.

Q. Whoever was in charge said it would be all right, is that right?

A. They stuck them up on the shelf somewhere.

Q. I presume this vault that they put them in was where the company keeps its ordinary records, is that right?

A. I believe that is an unused vault.

Q. An unused vault?

A. Yes.

Q. You have heard the testimony here today in which the men stated that after the election of officers the ballots were sealed up, and placed in the company's vault?

2027 A. I believe the only ballot they have reference to is the first one.

Q. The first one, as to whether they should have an independent organization?

A. I don't know what happened to their other ballots.

Q. You do not know whether they are in the vault or not?

A. No, I don't.

Q. So if they took them over there and gave them to somebody to put in the vault, you would not know about it?

A. I would not, no.

Q. I see. Did they use the company's mimeograph machine for the purpose of mimeographing the ballots?

A. They may have.

Q. I beg your pardon?

A. They may have.

Q. I notice from this ballot it appears to be the same type, and to have the same color of ink, and the same general composition as your mimeograph.

A. It may have been run off on our mimeograph machine. I couldn't say.

Q. You did not see it run off.

A. No.

Q. It just occurred to me that it looked like your mimeograph type. I thought perhaps that was, that is all.

You would not know, is that right?

2028 A. I would not know.

Q. Did you have any further or other meetings with this committee before the lodge was organized?

A. No. I believe the two contacts mentioned—

Q. They would cover the meetings, is that right?

A. That would cover it.

Q. By the way, did they ask you whether they could have someone in the office run off the ballots?

A. Yes.

Q. Did you tell them they could have someone run them off?

A. I told them to go upstairs, and see what they could do about it.

Q. By that you meant that they could go up and talk to someone in the general office?

A. Yes.

Q. Do you know who they would have talked to up there?

A. Possibly the operator; I don't know.

Q. The mimeograph operator, I suppose, in the normal course is the person they would have to talk to.

Do you know whether they had their election ballots mimeographed there?

A. I would not know about that.

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Q. Did they ask you whether they could?

A. No.

Q. So, if they asked and received permission to have
2029 them mimeographed, they would probably have asked
the machine operator, is that right?

A. They might.

Q. After the lodge was organized, and became the functioning organization, did you have any contact with them?

A. I had contact with their officers. Griffith, Spellman,—I believe the rest are trustees. They would be Eria Nelson—that is her name now—Anna Stokes, a chap by the name of Schardt, but not Florin Schardt—

Q. Is that George Schardt?

A. It might be George.

Q. I think George is paymaster, is he not?

A. I believe so.

Q. What was the subject under discussion at that time?

A. They said that they had formed an organization and elected officers, had a membership of 226 employees, and asked for recognition.

My reply was that we wanted proof of that majority, and proof of their membership. They said they would furnish it by taking up the membership cards and presenting them at the next meeting. That meeting was then arranged.

Q. That meeting was what?

A. That meeting was then arranged.

Q. Yes.

A. The next meeting our counsel, Max Swiren attended. There was also Lew Hendee, the attorney for
2030 the Rarq Metals Amalgamated, and the same committee.

Q. I beg your pardon?

A. That same committee.

Q. Yes.

A. They brought in their cards with them which Mr. Swiren asked permission to photostat. I believe he has the photostats now. I believe at that meeting there, Mr. Swiren told us that undoubtedly they had a majority, and under the law they deserved recognition, and we would recognize them.

Q. Do you recall what they said as to what their requirements for eligibility were?

A. Yes. I think at that time they were taking the employees working on an hourly basis.

Q. By that time I understand, from the testimony that has

been given, you had changed the basis of pay in the plant, had you not?

A. Yes.

Q. Some of the piecework jobs had been eliminated?

A. Yes. We abolished piecework jobs in all departments.

Q. I beg your pardon?

A. We abolished piecework in all departments.

Q. So jobs which previously may have been on a piecework basis were then on an hourly basis?

A. Yes.

2031 Q. Is that correct?

A. Yes.

Q. There was no substantial change in the type of work; it was just a change in the method of compensating the workmen?

A. Yes.

Q. Is that right?

A. Yes.

Q. Did they state whether they excluded salaried people and office people, and so forth?

A. Yes. They stated they excluded office people, salaried people and laboratory employees.

Q. At the time they presented their cards I believe you stated there were 226 members. How many persons did you have employed in the category of those eligible for membership?

A. I cannot give it to you exactly. I can give it to you approximately.

Q. Just approximately.

A. 256.

Q. 256?

A. Yes. It might be three more, or three less.

Q. It might fluctuate a little one way or the other?

A. One way or the other, yes.

Q. Was that more persons than you had employed in that category prior to the strike?

A. Yes, it is. We had more business.

2032 Q. You had more work, did you not?

A. Yes.

Q. And more people employed?

A. Yes.

Q. Do you recall the date upon which that meeting was held, at which they demonstrated their majority?

A. The one attended by Mr. Swiren?

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Q. Yes.

A. It was prior to June 2nd, because I remember we had a meeting scheduled for June 3rd, and could not hold it.

Q. I think that was probably on the 27th of May.

A. I believe we were all up here in court then.

Mr. Swiren: I will be glad to get that date, and give it to you.

Mr. Walsh: I think probably it is the 27th of May.

Mr. Swiren: It was either the 26th or 27th, one of the two days.

The Witness: Then I will fix that date around the 26th, or 27th.

Q. (By Mr. Walsh) The 26th or 27th.

A. Yes.

Mr. Swiren: I think it was the 26th.

Mr. Walsh: The 26th.

Mr. Swiren: I talked to you on the telephone, and told you to serve it on my office, the complaint.

2933 Mr. Walsh: That is what brought it to my mind.

Mr. Reporter, will you read the last two or three questions and answers, so I can pursue my train of thought?

(The record was read.)

Q. (By Mr. Walsh) You had more people employed on the 27th of May on an hourly basis than you had employed on an hourly basis in February, did you not, Mr. Anselm?

A. I would not say we had. I cannot answer that question offhand.

Q. Your records reflect that, do they not?

A. We will be glad to furnish you that information.

Q. I would like to have you furnish me the number you had employed on February 17th that fall within the same category as the persons now employed on an hourly basis.

Mr. Swiren: Perhaps I can give that to you right now.

Mr. Walsh: Excuse me just a moment. Do you have that without the—

Mr. Swiren: Do you want that without the laboratory employees?

Mr. Walsh: Yes.

Mr. Swiren: My records show 229. Do you want that, Mr. Walsh?

Mr. Walsh: Yes, I do. 229, in February?

Mr. Swiren: February 17th.

Mr. Walsh: Thank you.

2034 Q. (By Mr. Walsh) Mr. Swiren tells me that you had employed on February 17th 229 persons on an hourly basis, excluding laboratory workers. Is that right?

A. I think that is about right. It has since been increased.

Q. I beg your pardon?

A. It has since been increased.

Q. I think you said there were 256,—

A. Plus or minus.

Q. —plus or minus two or three—

A. That is right.

Q. —on May 27th, when the committee from the Rare Metals came in to talk with you?

A. That is correct.

Q. Now, what were the subjects of discussion with the Rare Metals Committee?

A. How is that?

2035 Q. Now, what were the subjects of discussion with the Rare Metals Committee?

A. We never got any further than recognition.

Q. You just were about to sit down and thresh your problems out when you were interrupted by certain other matters; is that correct?

A. That is correct.

Q. So the meeting of the 27th of May wound up by their demonstrating that they had a majority of the members in the plant, and you were then, at some future time, going to enter into negotiations?

A. That is about all the business that was completed.

Q. Mr. Anselm, who is the person who could tell me whether or not this was printed on the mimeograph machine of the company?

A. I imagine Henry Berquist would know.

Q. Who?

A. Henry Berquist. If you want to ask him about that, he is here this afternoon.

Q. Is he over there now?

A. He was a moment ago.

Q. I will borrow him from you.

A. That is service, is it not?

Q. That is what I call first class service.

Mr. Swiren: We will produce our witnesses rapidly
2036 for you, Mr. Walsh.

Mr. Walsh: I think that is all of Mr. Anselm.

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Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: This 229, Mr. Swiren, includes the Vascoloy Ramet Company, or exclude it?

Mr. Swiren: That is excluding Vascoloy Ramet.

Mr. Walsh: Let us have the record clear about that.

Mr. Swiren: There were 52 in the same category in Vascoloy Ramet. Do you want to stipulate on that?

Mr. Walsh: Yes. Let the record show that on February 17, there were 229 hourly paid workers employed by Fansteel Metallurgical Corporation, excluding laboratory workers, and on that date there were—

Mr. Swiren: 52.

Mr. Walsh (Continuing): —52 hourly paid workers employed by Vascoloy Ramet Corporation.

Mr. Swiren: That excludes foremen, clerical force and laboratory workers.

Mr. Walsh: As salaried people.

Mr. Swiren: I do not know whether they are all salaried or not. I think they are.

Mr. Walsh: All right.

Trial Examiner Dudley: You may proceed.

2037 Mr. Walsh: I will call Mr. Berkquist.

HENRY BERKQUIST, a witness called on behalf of the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Walsh) State your name, please.

A. Henry Berkquist.

Q. Where do you live?

A. 531 North Butterick.

Q. Waukegan?

A. Waukegan.

Q. You are employed by Fansteel, are you not?

A. Yes.

Q. How long have you been so employed?

A. Since April, 1919.

Q. What is your job there?

A. I am what is called a traveling mechanic.

Q. Traveling mechanic?

A. Yes. I am in all the buildings. I work out of the tool room.

Q. You work out of the tool room?

A. Yes.

Q. You are peripatetic, I take it; that means you roam around from one building to another?

A. My work is in Building 2.

2038 Q. Did you take part in the strike that occurred at the plant?

A. No, sir.

Q. On February 17th?

A. No, sir.

Q. Were you ever a member of Lodge 66?

A. No, sir.

Q. When did you return to work after the trouble was over?

A. The following Monday, after it was over.

Q. That would be on the 1st of March, would it not?

A. I could not recall what date it was. It was the first Monday after the trouble.

Q. Well, let us say it would be the end of February or the first of March?

A. Yes.

Q. Did you receive pay for the time the buildings were tied up?

A. Yes.

Q. Did you return to the same job you had?

A. Yes.

Q. Did you receive any more pay after the strike than you had received before.

A. I got a raise, that I had coming before. That was five cents.

Q. That was some raise that had been agreed upon before the trouble broke out?

2039 A. Yes.

Q. When was that raise agreed upon?

A. I had known about it for a couple of months, perhaps; a month or two, at least. It was understood that I was to get it.

Q. It was understood you were to get it?

A. Yes.

Q. Then the trouble intervened, and it did not come through, is that right?

A. Yes.

Q. Was that dated back?

A. No, sir. That started when I got my raise.

Q. When you got back to work?

A. Yes, the same as all of the other raises.

Q. After the trouble was over, you took some part in helping organize Rare Metals, is that right?

A. To a certain extent, yes.

Q. What did your activities consist of?

A. Well, there was such a lot of talk all through the plant about forming a union, or an organization of some kind. I was one of them that was asked to get a committee of four or five together to go over and present our side to the office.

Q. Who asked you to do that?

A. Oh, there were several. There were Mr. Johnson, and I believe pretty nearly all of the committee.

2040 Q. That is, Ted Sylvin?

A. Yes.

Q. Mr. Weddell?

A. Yes.

Q. Who else was on that committee?

A. Mr. Johnson, Mr. Sylvin, Mr. White—

Q. "White", you say?

A. White.

Q. What White is that?

A. James White.

Q. Yes.

A. Mr. Chapman.

Q. Mr. Chapman.

A. Ed. Chapman.

Q. Do you remember what day you went over to see Mr. Anselm?

A. I could not recall the date, no. It would probably tell on the records down there. It was a day or two previous to the first voting.

Q. Previous to the first voting?

A. Yes.

Q. What did you talk to Mr. Anselm about?

A. We merely told him we were a committee selected by certain ones working there, and was about to form a union, or an organization. We didn't state any definite cause.

2041 Q. You just wanted to talk about forming a local, is that right?

A. That is right.

Q. At that time had you agreed what you were going to call this new union?

A. No. That was agreed on later.

Q. It was agreed on later?

A. Yes.

Q. Did you ask Mr. Anselm that day if you could put up notices on the bulletin board?

A. We did.

Q. He told you it would be all right, is that right?

A. Yes.

Q. Notices were later put up, were they?

A. They were, yes.

Q. Who had charge of putting up the notices?

A. I think Mr. Sylvin and Mr. Johnson took care of that.

Q. I see. Did you take care of getting the notices for them?

A. I went up with another party on the committee, and we got permission from Mr. Anselm to see the girl up there.

Q. The mimeograph girl?

A. Yes. We didn't ask for any one in particular.

Q. You wanted to know if the girl who ran the mimeograph would run off the notices, is that right?

A. Yes.

2042 Q. Did she type out the stencil and put it on the machine?

A. I don't know.

Q. Did you wait to see?

A. No.

Q. Did you tell her what to write down?

A. We did. We had it right there, written on a paper.

Q. You had it written out?

A. Yes.

Q. You gave the paper to the girl?

A. Yes.

Q. And the girl ran them off? She ran off as many notices as you needed?

A. I believe she did, I believe we asked for 300.

Q. You asked for 300?

A. I believe that is right.

Q. She ran them off for you?

A. Yes.

Q. You later came back and picked them up yourself?

A. They were put in an envelope, and we picked them up, yes, sir.

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Q. Then did you distribute those notices yourself?

A. No.

Q. Who distributed them?

A. I couldn't say.

Q. To whom did you give them?

2043 A. The notices were probably distributed either by Mr. Johnson or Mr. Sylvin.

Q. Either Mr. Johnson or Mr. Sylvin?

A. Mr. Weddell may have done it.

Q. Those notices called attention to the fact that you were going to have a meeting in Building 14, is that right?

A. Yes.

Q. That meeting was called for the 15th of April, I believe?

A. I believe it was.

Q. It was to be held at 3:30 in the afternoon?

A. Yes.

Q. 3:30 is the time at which the day shift quits work, is it not?

A. The majority of the day shift quits, and the night shift comes on.

Q. They just about catch everybody in the plant, is that right?

A. Yes.

Q. Were those notices posted on the boards?

A. I believe they were all posted, yes. There was one posted, I know.

Q. The meeting was called for the purpose of voting on the question of whether you would have an independent labor organization or not?

A. Correct.

2044 Q. Is that right?

A. Yes.

Q. Is this one of the ballots that was used there (handing document to witness)?

A. Yes.

Q. Where was that ballot made up, Mr. Berkquist?

A. It was made up on the mimeograph.

Q. At some time later did you go back?

A. No.

Q. I mean before the meeting.

A. No. We got it all done at one time.

Q. That was all done at one time?

A. Yes.

Q. So the ballots and the notices were all run off at the same time?

A. I believe the notices were typewritten. The ballots were mimeographed.

Q. You said there were 300 notices.

A. 300 ballots; the 300 was the ballots.

Q. I thought you said there were 300 notices.

A. No; there was only twelve notices, I believe.

Q. There were twelve notices?

A. Yes.

Q. They were typed?

A. Yes.

2045 Q. Then they were the 300 ballots which were mimeographed?

A. Yes.

Q. I see. I wondered what you did with 300 notices.

A. There were 300 ballots.

Q. Who had charge of the ballots?

A. I think there was a committee of six had charge of that.

Q. Do you remember who was on that committee?

A. Offhand, I couldn't say. We have it on the records down there who was on that committee, watching the ballots, and also the ones that counted.

Q. Now, the vote was taken on the afternoon of the 15th in Building 14, was it not?

A. Yes, sir.

Q. Do you remember the result of the vote?

A. Not correctly, no; but I believe it was approximately 80 per cent for.

Q. I believe Mr. Sylvin told me this morning that there were 183 who voted in favor of it.

A. There was a hundred and eighty some for.

Q. Yes. There were 14 against, and then there were these blanks.

A. There were 15 or 16 blanks, and 13 or 14 against. That is correct.

Q. What happened to the ballots?

A. The ballots were placed in a box at the meeting,
2046 and the box was sealed.

Q. Then who took charge of the ballots?

A. I believe Mr. Weddell and Mr. Johnson took the ballots over to the office and placed them in the vault.

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Q. Do you know who they asked about placing them in the vault?

A. I don't know.

Q. You think Mr. Johnson and Mr. Weddell had charge of that?

A. I believe they did, yes, sir.

Q. After that meeting was held, did you hold further meetings for the purpose of nominating officers?

A. Yes. They held a meeting shortly after that, say within a week.

Q. Was that also held at Building 14?

A. Yes.

Q. Were there notices posted on the bulletin board about that meeting?

A. Yes.

Q. Who wrote up those notices?

A. Miss Whitelock, I think it was.

Q. Who?

A. Miss Whitelock wrote them notices.

Q. What does Miss Whitelock do?

A. She is a stenographer for Dr. Driggs.

Q. For who?

A. Dr. Driggs.

2047 Q. She is in the office of the company?

A. She is in the laboratory.

Q. She is a stenographer for Dr. Driggs in the laboratory?

A. Yes.

Q. Those notices, I take it, were also posted on the bulletin boards?

A. Yes.

Q. The meeting was held and nominations made at that meeting, is that right?

A. Correct.

Q. How were nominations made?

A. Nominations were made from the floor.

Q. How many people were nominated for the office of president?

A. I believe there was two.

Q. Two?

A. I think so.

Q. Do you remember who they were?

A. I remember the one that got it is Mr. Griffith.

Q. Mr. Griffith was elected?

A. Yes.

Q. You do not know who ran against him?

A. No.

Q. Do you remember how many people were nominated for vice president?

2048 A. Two, I believe.

Q. You do not know who the successful candidate there was, do you?

A. Yes; Ray Pearson.

Q. Ray Pearson?

A. I believe it was; I am not sure.

Q. Who was elected?

A. Mr. Spellman.

Q. Mr. Robert Spellman?

A. Right.

Q. How many people were nominated for treasurer?

A. I believe there were two for treasurer.

Q. Do you remember who they were?

A. Mr. Bristol.

Q. He was the successful candidate, was he not?

A. Yes.

Q. Do you remember who the other man was?

A. I don't recall offhand.

Q. Betty Valenta was elected; she was the successful candidate for secretary, was she not?

A. She was the only one, I believe.

Q. She was the only one nominated?

A. Yes.

Q. You had the ballots made up after that?

A. Yes.

2049 Q. Where were these ballots made up?

A. I don't know.

Q. Who had charge of that?

A. The committee had charge of that. That was Mr. Weddell, Mr. Johnson and Mr. Sylvin.

Q. You do not remember whether those ballots were printed or mimeographed, do you?

A. I don't remember. I believe they were mimeographed.

Q. You believe they were mimeographed?

A. I think so.

Q. Do you know whether they were mimeographed by the same girl who mimeographed these others?

A. I don't know.

Q. How was the election conducted?

A. It was conducted the same as an ordinary election

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with ballots. Every one was given a ballot, and voted a secret ballot.

Q. Where were the ballot boxes placed?

A. In Building 3 and Building 5, I believe, was the only place, at the clock.

Q. At the clock in buildings 3 and 5?

A. Yes.

Q. Who had charge of the ballot box in Building 3, do you know?

A. The committee had charge of that. They appointed one or two others, I think.

Q. To help with the voting?

A. Yes.

Q. Do you remember when the polls were opened?

A. They were opened at noon.

Q. How long did they remain open in the day, do you know?

A. One-half an hour.

Q. A half hour at noon?

A. Yes.

Q. Were they open later in the afternoon?

A. They were open again at 4 o'clock, I believe.

Q. 4 o'clock?

A. Either 3:30 or 4.

Q. That was so you could catch the night shift coming on and the boys going home, is that right?

A. Yes.

Q. Do you know who counted the ballots?

A. Well, they—

Q. Were you on the committee that counted the ballots?

A. Yes. I was one of them.

Q. You were one of the counters?

A. I believe there was six altogether.

Q. There were six all told?

A. Yes.

Q. Where did you take those ballots to count them?

2051 A. The inspection department, right alongside of the clock.

Q. You took them into the inspection department?

A. Yes.

Q. In Building 3?

A. Building 5.

Q. Building 5?

A. Yes.

Q. When did you count them, immediately after the polls closed?

A. Right after the polls closed.

Q. Do you know what became of the ballots after they were counted?

A. They were put in a box and sealed.

Q. What became of the box?

A. I don't know.

Q. Who had charge of the box?

A. The committee selected at that time still had charge of the box, Mr. Johnson, Mr. Weddell, and Mr. Sylvin.

Q. Did you ever hear what became of them?

A. I never inquired.

Q. So if Mr. Johnson says they were put in the safe over in the office, you would assume that would be correct, is that right?

A. I would assume that, yes.

Q. Were you on the committee that assisted in getting the charter?

A. I was not.

Q. You were on the original committee, were you not, that talked the thing up?

A. We went over to the office first, yes, sir.

Q. You went over to the office first?

A. Yes.

Q. Did you know that the persons who later became incorporators had been to see Mr. Hendee?

A. I didn't know while they were in there.

Q. I beg your pardon?

A. Not while they were in the office, no.

Mr. Walsh: I do not quite understand that. Read the answer, please, Mr. Reporter.

(The answer was read.)

The Witness: While the committee was in the office.

Q. (By Mr. Walsh.) Mr. Sylvin and Mr. Johnson were the temporary officers of the lodge, were they not?

A. And Mr. Weddell.

Q. Mr. Weddell?

A. Yes.

Q. They were just selected for the purpose of perfecting the organization, were they not?

A. Yes.

Q. How did the first committee get together to pick out those men to carry on the work?

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A. They were just selected one noon or at random, after the first committee had been over to the office.

Q. I see. Did you attend meetings of the committee after you had been over to the office, when Mr. Johnson, Mr. Weddell and Mr. Sylvin were talking about incorporating, or whether they should incorporate?

A. That was understood, as far as I know, or we assumed it was agreed if they were to have a union, they were to go ahead and apply for the charter and organize.

Q. You do not recall who determined whether they should incorporate the lodge, or whether it should be an unincorporated association, do you?

A. No, I don't offhand.

Q. Now, what meetings did you have after the election of officers?

A. I believe they had two since that.

Q. Two since that?

A. I think so.

Q. One in May and one in June, is that not right?

A. Yes.

Q. Does the organization have by-laws?

A. Yes.

Q. Do you know who prepared the by-laws?

A. A committee of nine.

2054 Q. A committee of nine?

A. Yes.

Q. Do you know who was on that committee, or can you tell us?

A. Mr. Novack was chairman. There was Mr. Lindloff.

Q. All right.

A. There was Elizabeth McCann, Stanley Monroe, Lawrence Schardt—

Q. Who was that?

A. Lawrence Schardt.

Q. Schardt?

A. Yes.

Q. That is the same name as that of one of the foremen?

A. Yes.

Q. Go ahead.

A. Eria Hibbard, Ed Chapman, and myself.

Q. Did that committee have a meeting and discuss the by-laws that should be passed?

A. I believe we had four meetings.

Q. You had four meetings?

A. I think that is correct.

Q. You finally agreed as to what by-laws you should propose to the membership, is that right?

A. Yes.

Q. Were those by-laws later presented at a meeting 2055 to the membership?

A. They were.

Q. When was that meeting held?

A. That meeting was held in May.

Q. In May?

A. Early in May.

Q. Where was it held?

A. I believe the name of the place was Holy Family Church Hall.

Q. Holy Family Church Hall, is that right?

A. Yes.

Q. Who arranged for the use of the hall?

A. That I believe is up to the secretary to arrange for the hall.

Q. That was Betty Valenta's job, is that right?

A. Yes. She couldn't do it, so Mr. Bristol arranged and paid for the hall.

Q. Do you recall how much they charged you for the use of the hall?

A. Offhand, I couldn't say. I believe they charged ten dollars.

Q. Ten dollars?

A. Yes.

Q. At that meeting you presented the by-laws and they were adopted by the membership?

2056 A. Yes.

Q. Did the by-laws provide for the payment of dues?

A. They did.

Q. How much are the dues?

A. The dues are 50 cents a month now, with no assessments.

Q. No assessments?

A. No assessments.

Q. Whose duty is it to collect dues?

A. That is the treasurer's duty, to collect dues.

Q. Does he collect?

A. He does.

Q. Do the members pay?

A. They do.

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Q. Very good. Now, you had a further meeting in June, or another meeting in June; where was that held?

A. That was held at the Auditorium in North Chicago, on Sheridan Road.

Q. What was transacted at that meeting?

A. I believe that was just a meeting to talk over other meetings and general business.

Q. Just general business of the organization, is that right?

A. Yes.

Q. Who is foreman over you?

A. Mr. Groll.

Q. Mr. Groll?

2057 A. A. Groll.

Q. Have you discussed the work of this lodge with him?

A. No, sir.

Q. Did he ever talk to you about it?

A. No.

Mr. Swiren: Keep your voice up, please.

Mr. Walsh: Speak a little louder so all of these gentlemen can hear you.

Q. (By Mr. Walsh.) Did you ever talk to Florin Schardt about it?

A. No, sir.

Q. Did you ever talk to Mr. Anselm about it other than the talks you had with him when you were on the committee?

A. None, other than that committee meeting.

Q. Did any foreman or any supervising officer ever talk to you about this?

A. Not at all.

Q. Do you know whether they talked to any of the other members of the committee?

A. To my knowledge, no, they have not.

Q. You have not talked to them about it?

A. No, sir.

Q. The only contact you had with them was from being on the committee?

A. From being on the committee.

2058 Q. Are you a member of the negotiating committee?

A. I am not.

Q. Were you on the committee that talked with Mr. Anselm on the 27th of May?

A. I was.

Q. About the only business that was transacted at that

meeting was establishing whether you represented a majority of the people, is "at right?"

A. That is correct.

Q. I believe Mr. Anselm says you had about 226 members, or something like that?

A. That is correct, yes, sir.

Q. Did you assist in the circulation of the petitions for charter members of this lodge?

A. I did not.

Q. Those were circulated by Mr. Weddell, Mr. Johnson and Mr. Sylvin, is that right?

A. I believe Mr. Sylvin circulated the largest amount.

Q. I beg your pardon?

2059 A. Mr. Sylvin—

Q. He was the most active?

A. Yes.

Q. He got the most members, is that right?

A. Yes. That is correct.

Q. Now, have you had anything else to do with the formation of this organization other than these things you have told us about?

A. Nothing, except I am on the agreement committee. We have not come to any of that yet. That is still in progress.

Q. That is the committee that meets with the management—

A. That is right.

Q. —to work out an agreement with them?

A. That is right.

Q. You have not yet had time to finish the bargaining with the management, is that right?

A. That is right.

Q. That has been interrupted by several things, has it not?

A. It has.

Q. Did Mr. Schardt attend the meeting that was held at the Holy Family Church?

Mr. Swerin: Let us identify him.

Mr. Walsh: All right.

Q. (By Mr. Walsh.) Did Mr. Florin Schardt attend that meeting?

2060 A. Not that I know of, no, sir.

Q. Do you know whether he is a member of that congregation?

A. I don't know.

Q. Are you a member of it? Are you a member of that church?

A. No, sir.

Q. Did you say you did not know whether he attended, or did not attend?

A. He was not there.

Q. He was not there?

A. I did not see him. I came in there slightly late. He wasn't there while I was there.

Q. These petitions that were circulated, were circulated in and about the plant, I take it, by Mr. Sylvan, Mr. Johnson and Mr. Weddell, were they not?

A. Yes, they were.

Q. Were you ever a straw boss, Mr. Berkquist?

A. Sir?

Q. Were you ever a straw boss?

A. No, sir.

Q. Who is eligible for membership in your union?

A. Anyone with an hourly salary.

Q. No one else?

A. That is correct.

Q. No one having authority to hire, discharge or discipline people, is eligible, is that right?

2061 A. That is correct.

Q. That is correct?

A. Yes, sir.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Keele.) Mr. Berkquist, when did you first hear any talk of an independent union?

A. They were talking it all over the plant ever since we came back.

Q. What was that talk?

A. Well, it was just general talk.

Q. Tell us about it.

A. Well, it was just general talk about there that they should join an independent organization, or local union, or whatever they wanted to call it. It was generally termed as an organization.

It seemed to be general talk around quite a bit as to whether they should organize or not.

Q. There was some talk as to whether they should affiliate with the American Federation of Labor, was there not?

A. There was some, yes.

Q. Or whether you should have an independent union down there; is that correct?

A. Correct.

Q. There was considerable talk about the fact that 2062 they had to do something in the way of organizing a union, was there not?

A. That is the way I understood it all the time, yes.

Q. How many men would you say talked with you about matters connected with the organization in the period of a month following the time you went to work?

A. Offhand I couldn't say; probably eight or ten, or probably 15.

Q. As a matter of fact, it was a rather general subject of conversation around the plant, was it not?

A. Yes.

Q. You never talked with any of the foremen about it, did you?

A. No, sir.

Q. You never talked to Mr. Anselm or Mr. Aitchison, or Mr. Dow about it, did you?

A. Not until we had our first meeting with Mr. Anselm.

Q. Now, you never talked to Luther Henry about it, did you?

A. No.

Q. Did you ever hear anybody else talk with those men?

A. No, not to my knowledge.

Q. Did some of the employees ask you to assist in the organization of a union?

A. They did.

Q. Who were they?

2063 A. Generally, the committee that first went over, more so than anybody else.

Q. All the men that were on that committee came to you?

A. It was general talk; they asked me if I would go over with them, and I said that I would be agreeable to going over.

Q. You went?

A. Yes. In fact, I believe I was the first one to say I would be agreeable to going over.

Q. You were the first one that said you would be willing to go?

A. Yes.

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Q. As a matter of fact, the other men had some hesitancy?

A. I think it was something like that, yes.

Q. Some of them expressed a fear that the company might resent it, is that right?

A. I would take it that way, yes. There was a certain amount of fear.

Q. The men were afraid the company might not look with favor upon the organization of an independent union, is that right?

A. Possibly they would, yes.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: I have a few questions.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) Would you tell
2064 me again who was on this general committee that asked you to join the committee to go over to the office?

A. The first time?

Q. Yes, the very first time.

A. Mr. White—the entire committee was Mr. White, Mr. Sylvin, Mr. Chapman, Mr. Johnson and myself.

Q. Who asked you to join that group?

A. You mean, later?

Q. No, when you joined it?

A. We just agreed between us to go over. I agreed to go over. I was the first one that agreed to go over to the office to ask for this.

Q. Did Mr. White ask you to go over?

A. Mr. White—no. I talked to Mr. White, first, and he agreed to go over with me.

Q. You suggested to Mr. White to go over?

A. Yes.

Q. Then did you suggest it to Mr. Johnson?

A. Mr. Johnson talked to me first, and he said he would go over with me if I would go.

Q. Johnson suggested it to you, and you suggested it to White?

A. Yes.

Q. Who suggested it to Sylvin and Chapman?

A. I believe it was Mr. Sylvin—no. Mr. White

2065 asked Mr. Sylvin I believe, and he then asked Mr. Chapman.

Q. Now, as I understand it, after you held the meeting in Building 14 on April 15 to vote on whether or not you wanted an independent union, you had all of those ballots sent over to the vault?

A. That is correct.

Q. Who decided to send them over to the vault?

A. We didn't have any place to keep them where they would be safe, excepting the vault.

Q. Who decided they ought to be kept?

A. I believe the general committee that—the temporary committee that had that might have agreed to take it over.

Q. Did they say why they wanted to keep them?

A. Yes, so we would have a record; so they would have a record of their own of the ballots.

Q. Did they say why they wanted such a record?

A. Not particularly, no. They wanted to keep a ballot—they wanted to keep a record of how the ballots went on this particular issue.

Q. Did anybody say it was very important that you keep a record to show that most of the employees wanted an independent union?

A. Yes.

Q. Who said that?

2066 A. I don't recall who said it. It was talked of at the time, that there had to be a record.

Q. Did anybody outside of the committee tell you that?

A. No, sir, not that I know of.

Q. At the later meeting, after you were incorporated, when you held the vote for officers, you testified I believe that you were on the voting committee that counted the ballots; is that right?

A. Right—well, I was not on the committee for counting ballots. I was on a committee to see that the balloting was done.

Q. Do you know about what the total number of ballots was?

A. Well—

Q. Approximately, do you know about what the total number of ballots was for the presidency?

A. Well, they all ran about equal, but the person elected I think won by about 75 per cent.

Q. The president got about 75 per cent of the total?

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A. Yes; the amount of ballots cast, I don't recall.

Q. About how many were there?

A. I would say possibly 175 to 200.

Q. 175?

A. 175—well, probably 150 to 200.

Q. 150 to 200?

A. Offhand I couldn't say.

2067 Q. I just want it approximately.

A. Yes.

Q. About 150 to 200 is the total?

A. I believe that is right.

Q. Did any of the foremen or superintendents or supervisors ever tell you that they could not talk with you about the union?

A. I have never heard them say anything at all about it. They have never discussed it with us, except the one time when we had the meeting with Mr. Anselm. Outside of that I have never discussed the union with any official of the company.

Q. At the meetings with Mr. Anselm of which I believe there were two, at least two, did he tell you you might not discuss the matter of the union with the foremen or any of the staff?

A. He did not.

Q. Did he say whether or not he cared about your talking about the union during working hours?

A. No, sir. He never said anything to that effect.

Q. Did he say whether or not he wanted you to talk about the union on company property?

A. He didn't say.

Q. He did not object to your discussing the union on company hours?

A. He didn't say whether they allowed it or not. In fact, he never mentioned it at all.

2068 Q. Did you ask him?

A. No.

Trial Examiner Dudley: That is all.

Q. (By Mr. Keele) While you were there, Mr. Anselm consulted a copy of the Wagner Act, did he not?

A. He had a pamphlet on the Wagner Act which he took out and read.

Q. What was that last?

A. I say, yes, he had a copy of the Wagner Act on his desk.

Q. Did he look at it?

A. Yes.

Q. Did he say anything about the fact—after he looked at it, did he not say to you that under the Wagner Act you had a right to organize if you wanted to?

A. Yes, sir. He said we had a right to do as we pleased in that respect.

Q. All right.

A. That was up to us entirely.

Q. Did he give you any copies of the Wagner Act?

A. Yes.

Q. He gave you each a copy of the Wagner Act?

A. He gave us some copies. Whether we all got one or not, I couldn't say offhand. I got one.

I believe there were four or five copies issued.

Q. Did you do any soliciting of members for the 2069 union, or do any union organization work during working hours?

A. Only at the start there, when we first started, yes.

Q. Before you went over to see Mr. Anselm?

A. Yes.

Q. After that time you did not do any on company time, did you?

A. No.

Q. You did not have any of those meetings on Fansteel property, did you? They were held over in the Vascoloy Ramet building, were they not?

A. Correct.

Mr. Walsh: I object. I understand that the property belongs to the company.

Mr. Swiren: We own the property, but it is under lease to Vascoloy Ramet.

Mr. Walsh: I will not be technical with you. Go ahead. Pardon the interruption.

Q. (By Mr. Keele) It is a building not used by Fansteel, is that correct?

A. I believe that is correct, yes. It is outside of the fence.

Mr. Keele: That is all.

Q. (By Trial Examiner Dudley) Did Mr. Anselm or anyone else tell you that you could use building 14 because it was outside of the fence?

2070 A. (No answer.)

Q. Did they ever say that that was different from buildings 3 or 5 or any other buildings because it was under the control of a different corporation?

A. No, but I believe it was generally understood down there that it is leased to Vascoloy Ramet.

Q. You did not discuss the point?

A. No, sir. We never brought it up.

Q. (By Mr. Walsh) Do you have any members in Ramet?

A. No, sir, none at all.

Trial Examiner Dudley: Now, Mr. Berkquist—

Mr. Walsh: You asked—

Trial Examiner Dudley: Go ahead.

Mr. Keele: After you, sir.

Trial Examiner Dudley: No. Go ahead.

Q. (By Mr. Keele) You asked yourself for building 14, did you not?

A. Well, we asked for a place to meet, and we suggested building 14 as being the best building, knowing that it was outside.

Q. And vacant?

A. Yes.

Q. All right. Furthermore, you tried to get a hall downtown, did you not?

A. Yes, we did.

2071 Q. And the people down here were afraid of violence, were they not, and said so?

A. I believe that is correct, yes.

Q. One of them wanted a bond put up, did he not?

A. I think that is correct. That was taken up by Mr. Johnson, I believe, and it was hard to get a building. Since then we have been able to get several.

Q. Since then you have been able to get several buildings?

A. Yes.

Q. And you have met in those buildings since then?

A. Yes.

Mr. Keele: That is all.

Q. (By Trial Examiner Dudley) You testified, did you not, that you were on the by-laws committee?

A. Yes.

Q. Now, you know in a general way what is in those by-laws, do you not?

A. In a general way, yes.

Q. Do the by-laws say anything about whether the union may have an outside person to represent the union?

A. None excepting an attorney; no outsider, excepting an attorney.

Q. The union may be represented by an attorney?

A. The union has an expert attorney, or an expert legal adviser. He is an expert legal adviser of the organization only.

Q. Do the by-laws say that you shall have no representative of the union who is not a member of the union?

A. Not a member of the union, and not an employee of the factory of the Fansteel Corporation.

Q. Except for an attorney?

A. Except for an attorney.

Q. Now, your charter says that you are Lodge No. 1.

A. Correct.

Q. Are there any other lodges of this organization?

A. Not of that nature that we could possibly find, not in the State of Illinois.

Q. Does the charter make any provision for joining with any outside union, national, state, regional, or international, of any kind?

A. Our by-laws take care of that.

Q. What do the by-laws say as to that?

A. We have an amendment clause in the by-laws that by the vote of a certain number of the members, the entire membership will be—the organization can be affiliated.

Q. I can be affiliated with any other national organization?

A. Any national organization, yes.

Q. Or international organization?

2073 A. That is correct. That is in the by-laws.

Q. The by-laws provide it must be a unanimous vote of the entire membership?

A. Not the unanimous vote; a certain amount, or more.

Q. Do you know how much that is?

A. 75 per cent.

Q. That is, the by-laws provide that on a vote of 75 per cent of the membership of the union—

A. Or more, yes, sir.

Q. —or more, the lodge may then become affiliated?

A. The by-laws can be amended so it can be taken—so they can go into another organization if they deem it necessary, yes.

Q. Do you mean that the by-laws provide that the lodge can become affiliated with an outside union only by first amending the by-laws?

A. The by-laws can be amended. There is an amendment clause in our by-laws that the by-laws can be amended by a vote of the organization.

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Q. Perhaps I am not quite clear on that. Suppose you wanted to join the American Federation of Labor, we will say. Is it necessary that you first amend your by-laws to allow you to join it?

A. It is not necessary, no. That could just be taken to a vote.

2074 Q. These by-laws provide that by a vote of 75 per cent you could become affiliated?

A. Yes.

Q. Without changing the by-laws?

A. Yes.

Mr. Walsh: Would the Examiner like to ask for a copy of their by-laws?

Trial Examiner Dudley: I thought perhaps one side or the other would be bringing them in.

Mr. Walsh: Would you give us a copy of your by-laws?

The Witness: I haven't got a copy. We have copies of our by-laws.

Mr. Walsh: Do you have copies typed up or printed?

The Witness: Our attorney has one copy, and we have, I believe, four or five. You can always get more.

Mr. Walsh: Could you furnish us with a copy of them for the record?

The Witness: I think it is possible, yes.

Mr. Walsh: We would like to have it if you can give it to us.

The Witness: We would have to get that from the executive committee.

Mr. Walsh: The executive committee?

The Witness: Yes.

Mr. Walsh: You will make inquiry during the course
2075 of the trial and ask them to furnish us with a copy of the by-laws, will you not?

The Witness: Yes.

Trial Examiner Dudley: I have one or two more questions.

Q. (By Trial Examiner Dudley) Who was it during the deliberations of the committee regarding the passing of by-laws, who suggested the provision against having any outside representative of the union except for an attorney?

A. The biggest part of it was general talk down there. They didn't want any outside interference.

Q. Whom do you refer to when you say "they"?

A. That was just general talk at the time. After this trouble, there was several of them.

Q. Do you recall anybody specifically making that statement?

A. Offhand I couldn't state specifically, no. It was more or less talk to that effect.

Q. Do you know who it was that brought it up first, at your committee meetings?

A. I don't think it was brought up under those circumstances at the committee meeting.

Q. Was it your attorney that suggested the provision against outside representation?

A. No, he didn't suggest it.

Q. Was it somebody on the committee?

A. In fact, the attorney had nothing to do with drawing up the by-laws. He just furnished us with an outlay of what we should draw up, but he furnished that after we had drawn up the by-laws. We drew up the by-laws entirely ourselves.

Q. Did you suggest the provision against outside representatives?

A. We suggested it would have to come to a vote of the majority, and we figured 75 per cent.

Q. Did you suggest that yourself?

A. Not personally, no.

Q. Do you know who it was of the committee suggested that?

A. No. I couldn't say who it was. It was just general talk of the by-laws committee, not only in that respect, but in some other things in the by-laws there, they cannot be changed or revised without 75 per cent or more of the organization.

Q. During the general talk of the committee which you have mentioned, what were the reasons given for not having outside representatives.

A. The biggest reason they mentioned was, as far as I understood it, to keep from any further trouble within the plant, as far as I know.

Q. What else did they say? What did they mean by that?

A. They didn't want any outside interference of any kind, anybody that didn't understand the working of the plant, I imagine.

2077 Q. With whom did they say they might have trouble?

A. No one, specially.

1030 *Witnesses for National Labor Relations Board.*

Q. Did they say they might have trouble with outside unions?

A. Not particularly, no. They mentioned no outside union, no outside organization of any kind.

Q. What kind of trouble was it they were fearing?

A. I imagine they didn't want any outsiders to tell them what to do, the way I understood it.

Q. Did they say—

A. They wanted self-control.

Q. —that outsiders would not understand what was going on in the plant?

A. That is the most general rule, yes.

Q. Did they say outsiders would make them do things they would not want to do?

A. Possibly, yes.

Q. Did they say outsiders might make them strike when they did not want to strike?

A. Well, there was some of that.

Q. What else did they say?

A. That is about all. It was just the general opinion that they wanted control of everything within their own plant.

Q. Did they say the company did not like to deal with outside union men?

A. They never mentioned that.

2078 Q. Did they say that outsiders had caused the previous strike and gotten you all in trouble?

A. No, I don't believe that was brought up; not to my knowledge, it wasn't.

Q. Did they say that during the fall of 1936 the company had refused to recognize an outside union?

A. No. That was not brought up at the by-laws committee.

Q. Did they discuss any of the leaflets distributed by the company during September of 1936 regarding the recognition of unions?

A. Not during the meetings of the by-laws committee.

Q. Did you discuss the company's labor policy at all?

A. We discussed our by-laws only, and why they wanted the by-laws the way they were. Nothing outside was discussed at all, of those by-laws.

Trial Examiner Dudley: That is all.

Redirect Examination.

Q. (By Mr. Walsh.) Mr. Berkquist, at any of the meetings that you had with the committee or the membership, was the company's general labor policy discussed?

A. You mean, at the meeting? No, not that I know of.

Q. Did they ever talk about the employees representation plan that the company had suggested last fall?

A. That was never brought up at a committee meeting of any kind.

2079 Q. Was it brought up at any time between yourselves, in meetings—

A. No.

Q. —or when you were talking together?

A. No, not since this new organization was formed.

Q. Was it discussed before it was formed?

A. Yes. It had been discussed some before that.

Q. That is probably what prompted you to organize this independent organization, is it not?

A. Personally, not me, no.

Q. Did it have any influence on the other fellows, do you know?

A. I couldn't say.

Q. Did you ever discuss it in the organization period of the lodge?

A. I didn't bring it up myself.

Q. Did anybody else bring it up?

A. Not that I heard of. I never heard it brought up.

Q. Well, you were working there last fall when the company sent out that employees representation plan, were you not?

A. Yes.

Q. I suppose that was talked about in the shop, was it not?

A. At that time, yes. I never heard it mentioned since.

Q. That was along in September sometime?

A. It was last year sometime.

2080 Q. You think it died down then?

A. It did, as far as I know. It was never brought up.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

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Mr. Walsh: I would like to offer in evidence as BOARD'S EXHIBIT NO. 33 the ballot that has been identified here as having been used at the meeting on April 15th, 1937 in building 14.

The pencil writing on it is not included in the exhibit.

Mr. Swiren: Do you want to offer just the mimeographed portion?

Mr. Walsh: Just the mimeographed portion.

Mr. Swiren: The pencil writing on the front and back is to be excluded?

Mr. Walsh: Yes.

Mr. Swiren: I think you ought to remove the pencil writing, if you can.

Mr. Walsh: All right.

Trial Examiner Dudley: It may be received.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO. 33.)

Mr. Walsh: At this time I would like to offer for the record a copy of an additional order that was entered 2081 in the case of the Fansteel Metallurgical Corporation vs. National Labor Relations Board.

I believe this has been introduced in evidence. We did not have the actual order, before.

Trial Examiner Dudley: I think it is Exhibit 8. It was not introduced. We reserved a number for it.

Mr. Walsh: Yes. This will be Exhibit No. 8.

Mr. Swiren: I do not know what materiality it has to the issues of this case. That is a copy of an order we furnished Mr. Walsh at his request. I cannot see that it has any materiality to our issues.

Trial Examiner Dudley: Do you object?

Mr. Swiren: Yes.

Trial Examiner Dudley: Objection overruled. It may be admitted.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO. 8.)

Trial Examiner Dudley: At this time we will take a short recess.

(A short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order. You may proceed.

Mr. Walsh: I will recall Arvo Romppaine.

ARVO ROMPPAINE, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

2082

Direct Examination.

Q. (By Mr. Walsh.) Arvo Romppaine is your name?

A. Yes.

Q. You have testified here before, have you not?

A. Yes.

Q. Arvo, were you on the picket line on the 15th of April, 1937 at about three-thirty in the afternoon?

A. I was.

Q. I will ask you whether or not you saw a number of people going from the plant down to building 14?

A. I did.

Q. Was there anybody directing them to go down there?

A. Yes. The watchman at the gate was pointing east to go along the railroad tracks there. I walked around to see where they were going, on the sidewalk. I saw them going in building 14, in the south door near the elevator shaft. That is where they were going in.

Q. That was the watchman regularly stationed there on duty?

A. I don't know. I couldn't identify him. I was out on the street there. I didn't notice his face.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Swiren.) How far away were you from the gate, Arvo?

2083 A. Well, I was on the street there.

Q. You were on the street?

A. Yes.

Q. That is 400 feet away from the gate, is it?

A. Well, I suppose it is pretty close to it. I couldn't say.

Q. Yes. You did not hear what anybody said to this man that pointed, did you?

A. No. I wasn't close enough to hear any conversation.

Q. You do not know what they asked him or what he said to them?

A. No.

Q. You do not know who that man is?

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A. No.

Q. You cannot identify him for us today?

A. No. I couldn't, for sure.

Q. How long did you stand there?

A. Oh, I stayed there a couple of minutes, and I saw the crowd going over along the railroad tracks, so I walked around on the sidewalk towards building 14, right next to it.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Walsh: Alvar Romppaine.

2084 ALVAR ROMPPAINE, recalled as a witness for the National Labor Relations Board, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Walsh.) You are Alvar Romppaine?

A. Yes.

Q. You have previously testified?

A. Yes.

Q. You heard Arvo's testimony a moment ago, did you not?

A. Yes.

Q. If I were to ask you the same questions would you have the same answers?

A. No.

Q. Tell us about it then.

A. I did not actually see them go in the building, because I sat in the car while he and a fellow named Paul Mehovick walked around. They were on the street there, on the road next to building 14.

Q. I see.

A. He came back and told me—

Mr. Swiren: Just a moment.

Mr. Walsh: Do not tell us what he told you.

Q. (By Mr. Walsh.) Tell us what you saw. Did you see the watchman sending them down that way?

A. Well, some of them walked right straight through, 2085 and then others kind of hesitated, and the watchman pointed towards the railroad tracks.

Mr. Walsh: That is all.

Cross-Examination.

Q. (By Mr. Swiren.) You were sitting in the car in the street?

A. Yes.

2086 Q. That is even further away from the gate than the sidewalk, is it?

A. Yes.

Q. You did not hear what anybody said to this man at the gate or what he said to them, did you?

A. No.

Q. Do you know whether he is a watchman or not? Do you know who he is? Do you know the man?

A. No, I couldn't say.

Q. Was he working there when you had been working there?

A. There was a number of men at the gate. There was a uniformed deputy—I guess there was three, and this man.

Q. You picked this man out and you knew he was the watchman, did you?

A. Well, I knew the man was opening the gate.

Q. He was opening the gate?

A. Yes.

Q. You did not know whether anybody came up to that man and said "Where is Building 14"?

A. No, I couldn't say that.

Q. Or, "How do I get to Building 14?"

A. No.

Q. Or "Where is the meeting?"

A. No.

Q. You did not hear anything like that?

2087 A. No.

Q. It may have been said?

A. It might have.

Q. You do not know what he said to them?

A. No.

Q. You just saw him point?

A. Yes.

Q. You saw some people following his direction?

A. Yes.

Mr. Swiren: That is all.

Mr. Walsh: That is all.

(Witness excused.)

Mr. Walsh: Frank Furlan.

FRANK FURLAN, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Direct Examination.

Mr. Collins: What is your name?

The Witness: Frank Furlan.

Mr. Collins. Were you served with a subpoena to appear here before the Examiner?

The Witness: Yes, I just got it this morning.

Mr. Collins: I would like to claim the privilege of the witness under Section 11, Paragraph 3 of the National Labor Relations Act.

2088 Trial Examiner Dudley: The privilege is granted.

Q. (By Mr. Walsh.) What is your address, Mr. Furlan?

A. 2002 Grove Avenue, North Chicago.

Mr. Walsh: I might state, if the Examiner please, that this witness is in group 2.

Q. (By Mr. Walsh.) What did you say your address was again?

A. 2002 Grove Avenue, North Chicago.

Q. How long were you employed by Fansteel?

A. About 6 months.

Q. What was your job?

A. Cleaning up steel.

Q. In what department were you?

A. In the cleaning department.

Q. Did the plant operate between the 17th of February and the 26th of February?

A. I believe they were on a strike then.

Q. There was a strike then?

A. Yes, I believe so.

Q. When did you join Lodge 66?

A. About the 1st of December.

Q. 1936?

A. Yes.

Q. Now, at the time this strike broke out on February 17, were you working in the plant at the time?

A. No, I wasn't.

2089 Q. Were you then on the night shift?

A. No. It was my day off.

Q. You had a day off that day?

A. Yes.

Q. When did you report to the plant after the strike broke out?

A. Well, payday comes right around then—

Mr. Swiren: Speak up louder, please.

Mr. Walsh: Speak a little louder, Mr. Furlan.

The Witness: Payday comes right around after they were gassed out. I went to get paid, and they didn't say anything about going back to work.

Q. (By Mr. Walsh.) Did they take up your pass at that time?

A. Yes.

Q. Did they ask you to fill out a new application?

A. No.

Q. Did they offer you your old job back?

A. No, they didn't.

Q. During the progress of the strike while the men were in the buildings, did you take an active part in the strike activities?

A. Outside of the fence, yes.

Q. Outside of the fence?

A. Yes.

Q. What did you do?

2090 A. I don't know what you mean, what did I do.

Q. Did you help put any food, clothing, bedding or oil stoves, kerosene, flash lights or flash light cells in?

A. Yes, I did.

Q. What did you put in the buildings?

A. Milk.

Q. Milk?

A. Yes.

Q. What was your hourly rate of pay at Fansteel?

A. 49 cents an hour.

Q. You worked 40 hours a week?

A. No, I didn't.

Q. How many hours a week did you work?

A. I would work 40 hours one week and the next week I would work 32 hours. It was not steady work.

Q. Did you have any other employment but your work at Fansteel?

A. No.

Q. Were you working any place else?

A. No.

Q. What was your average weekly pay? About how much did you make a week?

1038 *Witnesses for National Labor Relations Board.*

A. Well, I don't know. We got paid—

Q. Twice a month, did you not?

A. Yee.

2091 Q. How much did your checks amount to?

A. I believe the highest one I got was \$39.

Q. What was the lowest one you got?

A. About \$27 I guess.

A. So it varied between \$20 and \$39 for the two week period, is that right?

A. Yes.

Q. How much money have you earned since February 26th?

A. About \$35.

Q. What did you work at to earn it?

A. Caddying.

Q. When you were employed at Fansteel, did you do any work on the outside?

A. No.

Q. You did not?

A. No.

Q. You were not in the building at any time during the time the men were in there, were you, between the 17th of February and the 26th of February?

A. No, I was not.

Q. Were you cited in the contempt proceedings? Were you one of the respondents in the contempt trial?

A. (No answer.)

Q. Were you in this trial they had here last week when the other fellows were tried?

2092 A. No.

Q. Do you know whether you were one of the defendants in the injunction case?

A. I don't.

Q. You don't know whether you were or not?

A. No.

Q. Have you made any application for re-employment?

A. No, I have not.

Q. Would you return to work at Fansteel if the company recognized the union and took the other men back to work?

A. Yes, I would.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Keele.) What did you say you did? You took down some milk; you helped to put some milk in the buildings, is that right?

A. Yes.

Q. That was during the time the men were in the buildings?

A. I don't know if it was milk or coffee. It was in a big milk can.

Q. Where did you get that?

A. Off the top of a truck.

Q. You helped attach a rope to the can when it was hoisted over the fence into the plant, did you not?

A. Yes.

2093 Q. Did you ever take anything down there yourself?

A. No, I didn't.

Q. Did you ever assist anybody in taking anything down?

A. No.

Q. You were down there how often during that period?

A. Just about every night.

Q. About every night.

A. Yes.

Q. That was the only time that you assisted in putting anything over the fence?

A. Yes.

Q. When was that with reference to the time the strike started?

A. I can't remember what day it was.

Q. Well, it was in the middle part of it, was it not? It was not the first day or two, was it?

A. About three or four days I believe.

Q. At that time there was an injunction in effect, was there not? The sheriff had made one attempt to get the men out at that time, had he not?

A. I believe so.

Q. There was an injunction ordering those men to evacuate those buildings, was there not?

Answer yes or no.

A. I believe there was.

2094 Q. Yes. You knew about that, did you not?

A. Yes.

Q. You knew about the sheriff's efforts to get the men out, and you knew about the court order, did you not?

A. I believe so.

Q. The object of your helping to get that milk in, or coffee, whatever it may be, was to help those men stay in there, was it not?

A. Yes.

Q. You never applied for employment there after the men were evicted on the 26th, did you?

A. No, I didn't.

Q. You did not go there to ask about work, did you?

A. No.

Q. You just went down there and got your check?

A. Yes.

Q. You did not ask them if they would take you back?

A. No.

Q. You would not have gone back if they had offered to take you back, unless they took all the rest of the men back, is that right?

A. Yes.

Q. It did not matter why those men were discharged or for what reason; you would not have gone back unless they took them all back, is that right?

2095 A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: At this time, Mr. Examiner, I have concluded the introduction of evidence with the exception of two or three of the men who are not available for examination, and as to whom we will not be able to stipulate.

Mr. Swiren: Pardon me, before you rest your case, Mr. Walsh.

Mr. Walsh: Yes.

Mr. Swiren: I think I ought to say to the examiner and to you that we will undoubtedly at the opening of our case offer an amendment to paragraph 10 of our answer to make it conform to the proof. At the time the answer was drawn up, we were engaged in trial, and I did not have all the facts at my disposal. I did the best I could with what I knew.

The facts have come out on the witness stand, and some of them we did not have available at that time. I just wanted you to know that.

Mr. Walsh: I also will ask to amend to conform to the proof, so far as it relates to these various situations that we

learned on the trial, for the same reason. I did not know the facts at the time the complaint was drawn. I will ask to amend the complaint to conform to the proof.

Mr. Swiren: I just did not want you to rest without knowing that we planned to do that.

Mr. Walsh: I think we can work all of those things out. I have no desire to take any advantage of you on that.

Trial Examiner Dudley: Are those people whom you have learned were offered jobs, that you did not know anything about at the time?

Mr. Swiren: Yes. That was true, for instance, of Taylor, being a casual or temporary employee, from time to time at the hearing that developed. I knew there was such a man, but I did not know who he was.

I knew some of the women had been told to come back, and some of the men had been told, but whether everybody had been told that I did not know.

Mr. Walsh: Mr. Reporter, will you mark this Board's exhibit No. 34 for identification?

(The document referred to was marked Board's exhibit No. 34 for identification.)

Mr. Walsh: I offer in evidence what has been marked for identification Board's exhibit No. 34. It is a copy of the Waukegan News Sun. I think we will offer just the front page.

Mr. Swiren: Why do you not just cut the article out that you want?

Mr. Walsh: I will take an article from the issue of Wednesday, March 10th, 1937, of the Waukegan News Sun, and offer it in evidence.

Trial Examiner Dudley: Is there any objection?

Mr. Swiren: Just a moment. We have no objection.

Trial Examiner Dudley: It may be admitted.

(The clipping referred to was received in evidence and marked BOARD'S EXHIBIT NO. 34.)

Mr. Swiren: Is that all you have?

Mr. Walsh: Except for the by-laws of the Rare Metals Workers' Union. It will come in sometime later, I suppose. There were two or three things, copies of which you were going to give me.

Mr. Swiren: I gave you everything except the wage range in the various departments, which you asked for. I have the compilation, but I have not quite finished the range.

Mr. Walsh: I see.

Trial Examiner Dudley: I think we are still short one of the exhibits, are we not?

Mr. Walsh: Here is a photostatic copy of that chart we referred to.

Trial Examiner Dudley: Let the record show that a photostatic copy is substituted for exhibit No. 32, and will be marked Board's exhibit No. 32.

(The document previously marked Board's exhibit No. 32 was thereupon withdrawn, a photostatic copy substituted therefor, and marked Board's exhibit No. 32.)

Mr. Keele: There is one other point to be brought up. We reserved the right of cross-examination as to a number of men, and I think that should properly go in at the conclusion of the Government's case.

Trial Examiner Dudley: You have reserved it, so you can put it in on your direct.

Mr. Keele: I do not care just how it goes in. I think it should go in before our defense starts. It will probably follow right along.

Mr. Walsh: Suppose I reserve resting my case until you have concluded your cross-examination?

Mr. Keele: The difficulty of that is it will go into the middle of our case, and we want to keep it orderly, if we possibly can.

Trial Examiner Dudley: I think if you just proceed in the regular way, it will be all right.

Mr. Keele: We can do that.

Trial Examiner Dudley: I do not think it makes any difference.

Mr. Keele: I just thought I would call your attention to that before you rested your case.

Mr. Walsh: I think, if the examiner please, the Government will rest its case at this time.

2099 Trial Examiner Dudley: Subject to those several exceptions, I assume.

Mr. Walsh: Subject to the several exceptions mentioned.

Mr. Keele: We have some motions to make.

Mr. Swiren: I suggest that those be held over until we meet again. I suggest that we adjourn over the weekend. I think it is preferable to present those motions at the opening of Monday's session, rather than try to do it now.

Trial Examiner Dudley: Very well. We will adjourn until next Monday morning at 9:30.

Mr. Swiren: Just a moment. I want to check up on one thing here.

Trial Examiner Dudley: All right.

Mr. Swiren: If the examiner please, before we adjourn, in accordance with the order of the Board, we want to renew the application for subpoenas and subpoenas due to tecum filed with the Board.

We may have to ask for additional ones by Monday, but the order indicates that it may be renewed upon the completion of the complainant's affirmative case.

If the application is made, there will be several days in which to get subpoenas issued to us for service, so we can expedite the hearing.

Trial Examiner Dudley: You think you may want some additional ones?

2100 Mr. Swiren: We may want some additional ones. We want those.

Trial Examiner Dudley: You want to renew this one now?

Mr. Swiren: I beg your pardon?

Trial Examiner Dudley: You want to renew this one now?

Mr. Swiren: Yes.

I might say, with reference to the men in our original group, most of them are being produced by Mr. Walsh. As to those, of course, there is no problem.

With respect to the matter of records, only a fraction of those have been produced so far, and all of them ought to be produced.

Trial Examiner Dudley: Are you not supposed to send your applications for subpoenas in to Washington?

Mr. Walsh: Why do you not do this—

Mr. Swiren: The rules provide for making application to the trial examiner. The application has already been filed. The order suggests the rate of renewal, which we are now exercising.

Trial Examiner Dudley: I do not think I have a right to issue them.

Mr. Swiren: I do not think you have a right to issue them, but the application must be made.

Trial Examiner Dudley: It begins with section 20—

2101 Mr. Swiren: It is section 21, I think, which provides: "Applications for the issuance of such subpoenas may be filed by any party to the proceedings with the regional director or during the hearing with the trial examiner."

Trial Examiner Dudley: May I ask for the original application?

Mr. Swiren: Yes. Here it is.

Trial Examiner Dudley: Mr. Swiren, for which ones of these are you now asking?

Mr. Swiren: All except subpoenas for the men Mr. Walsh said he would produce, namely, those who testified for him, excluding only, I think, two, for whom he asked excuse.

Trial Examiner Dudley: Do you know which ones those are? Why do you not work out a stipulation on this?

Mr. Swiren: I do not know why you ask me that question. I offered to stipulate at the beginning of the hearing, and Mr. Walsh said he was not quite sure he could.

Trial Examiner Dudley: Let the record show you made your motion, and I will reserve ruling on it until Monday.

Mr. Swiren: Very well.

Trial Examiner Dudley: We will adjourn at this time until Monday morning at 9:30, at which time we will probably assemble in the Probate Court room.

(Thereupon, at 4 o'clock p. m., Friday, June 18, 1937, an adjournment was taken until Monday, June 21, 1937, at 9:30 o'clock a. m.)

Proceedings Before National Labor Relations Board. 1045

2105 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-80) • •

Circuit Court Room, County Building,
Waukegan, Illinois,
Monday, June 21, 1937.

The above-entitled matter came on for further hearing, at 9:30 o'clock A. M., pursuant to adjournment.

Before:

Tilford E. Dudley, Trial Examiner.

Appearances:

William R. Walsh, Regional Attorney, on behalf of the
National Labor Relations Board.

Levinson, Becker, Peebles & Swiren, Suite 2525, One
North LaSalle Street, Chicago, Illinois, by

Max Swiren, and

Harold M. Keele, and

Sidney H. Block, Waukegan, Illinois, on behalf of Fan-
steel Metallurgical Corporation.

Lester Collins, Waukegan, Illinois, on behalf of Lodge
66, Amalgamated Association of Iron, Steel and Tin
Workers of North America.

2106

PROCEEDINGS

Trial Examiner Dudley: Mr. Reporter, let the record show that this hearing is now recessed, to reconvene as soon as possible in Room No. 4 of the United States Post Office.

(The hearing was thereupon transferred to Room 4, United States Post Office, Waukegan, Illinois.)

Trial Examiner Dudley: The hearing will reconvene. You may proceed.

Mr. Walsh: If the Examiner please, may the record show that we met at the Court House, and recessed to the Post Office Building.

Trial Examiner Dudley: The record will so show.

Mr. Walsh: The Board moves to reopen its case. Does the Trial Examiner grant my motion to reopen?

Trial Examiner Dudley: Yes.

Mr. Walsh: Miss Joan Bissonnette.

JOAN BISSONNETTE, called as a witness for the National Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Joan Bissonnette?

The Witness: Yes.

Mr. Collins: Will you spell your last name for the reporter, please.

The Witness: B-i-s-s-o-n-n-e-t-t-e.

Mr. Collins: Were you served with a subpoena, to 2107 appear here before the Trial Examiner, a few moments ago?

The Witness: Yes.

Mr. Collins: If the Examiner please, I would like to claim the privilege of the witness under Section 11, paragraph 3 of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

Direct Examination.

Q. (By Mr. Walsh) What is your address?

A. 1719 Sheridan Road.

Q. How long were you employed by Fansteel?

A. About nine months.

Q. That was nine months prior to February 17th, is that right?

A. Yes, sir.

Q. What was your job?

A. Inspecting contact points.

Q. When did you join the union?

A. In November.

Q. 1936?

A. Yes.

Q. What was your rate of pay?

A. 40 cents per hour.

Q. How much did that amount to per week?

A. 16.

2108 Q. \$16.

A. Yes, sir.

Q. How much have you earned since February the 26th, 1937?

A. Oh, I don't know exactly. Around \$50.

- Q. Around \$50?
- A. Something like that.
- Q. And what did you do, to earn that money?
- A. Demonstrator.
- Q. When you worked at Fansteel, did you normally do any work on the outside for pay?
- A. How do you mean?
- Q. Well, I mean, did you have any other job—
- A. Oh, no.
- Q. Other than your job at Fansteel?
- A. No.
- Q. Did the plant operate between February the 17th and February the 26th, 1937?
- A. I don't know.
- Q. Well, were you working at the time the trouble broke out down there?
- A. You mean, before it broke out?
- Q. Yes.
- A. Yes, sir.
- Q. Were you working on the day the trouble broke out?
- A. I was working that day, yes, sir.
- 2109 Q. Did somebody tell you to go home?
- A. Yes.
- Q. Who told you?
- A. Well, I don't know his name.
- Q. Was it any of the foremen, or bosses?
- A. Yes, sir.
- Q. It was one of the bosses?
- A. Yes.
- Q. Was he the foreman of your department?
- A. Well, really, there was so much going on there that I don't know just exactly who it was, but I think somebody come in and said that there was going to be a strike, and then our forelady told us we better go.
- Q. Who was that; Mary Atkinson?
- A. Yes, sir.
- Q. Now, when did you get your last pay from the company?
- A. Well now, let me see. I think that the last pay was March 5th—I believe.
- Q. March 5th?
- A. Yes.
- Q. And was the plant in operation then?
- A. Yes.

Q. Were they working then?

A. Yes, sir.

Q. Did the company take up your pass at that time?

2110 A. No, sir.

Q. Did they offer to take you back to work?

A. No.

Q. Did anybody say anything about taking you back when you got your pay?

A. No, sir.

Q. Did they tell you that they would call you whenever they would need you—

A. No.

Q. —or anything like that?

A. No, sir.

Q. Did you make any application to go back to work?

A. Yes, sir.

Q. With whom did you make that application?

A. Well, I called up Mary, the forelady.

Q. Mary, the forelady.

A. Yes.

Q. That would be Mary Atkinson?

A. Yes.

Q. Yes?

A. And then I put in an application to the office.

Q. What did Mary Atkinson tell you, when you talked with her?

A. Well, she said I couldn't and I asked her why; I asked her if my work was all right, and she said; and then
2111 I asked her what the reason was, and she said—let me see now—something about my attitude, or something like

that.

Q. Your attitude?

A. Yes, sir.

Q. Well, did she say what your attitude had been?

A. No.

Q. Or anything further about it?

A. No, sir.

Q. Did she say anything about the fact that you were a member of the union?

A. No.

Q. Or anything like that?

A. No, sir.

Q. And you never have been called to work—

A. No.

Q. —or anything like that, since, have you?

A. No, sir.

Q. You left the plant immediately, after they told you to go at that time, did you?

A. Yes, sir.

Q. Did Mary Atkinson know that you were a member of the union, do you know?

A. Well now, I really don't know if she did. I imagine she did, though.

Mr. Walsh: You may—

2112 Mr. Swiren: I suggest that the latter part of the answer go out, if the Examiner please.

Trial Examiner Dudley: What was the answer?

(The answer was read.)

Mr. Walsh: Oh, leave it in.

Mr. Swiren: I may have a contrary imagination. I suppose that ought to go in, too.

Trial Examiner Dudley: It may stand.

Mr. Walsh: You may inquire.

Cross-Examination.

Q. (By Mr. Block.) I did not get your full name?

A. Pardon me?

Q. I did not get your name. Will you repeat it, please. I did not hear it.

A. Joan Bissonnette.

Q. Give it to me once more, please. There is a great deal of noise back here.

A. Joan Bissonnette.

Mr. Swiren: Joan Bissonnette.

Q. (By Mr. Block.) How long did you work at Fansteel, prior to February 17th, 1937?

A. About nine months.

Q. What were you doing there?

A. Inspecting contact points.

Q. Where did you work before that?

2113 A. Before that?

A. Yes.

A. I didn't work before that.

Q. This was your first job, was it?

A. Yes, sir.

Q. How?

A. Pardon me?

Q. Was that your first job?

A. Yes, sir, in the factory.

Q. Had you had any experience before you went to work for Fansteel—

A. No.

Q. (Continuing)—in the line of work which you were doing up to February 17th?

A. Not in that line, no.

Q. Now, on that day I believe you said that somebody told you to leave the building; is that right?

A. Yes, sir.

Q. What building were you in?

A. Building 3.

Q. 3.

A. In the Contact Department.

Q. In order to have it clear on the record here, Miss Bissonnette, your boss, or any representative of the management, did not tell you to go home and quit work, but it
2114 was somebody who was involved in the strike, and somebody connected with the union, was it not?

A. Yes, sir; it was those who came in.

Q. I did not hear.

A. Somebody came in, and told us to quit working.

Q. Yes.

A. And we did.

Q. Yes.

A. And then we turned around and looked at Mary Atkinson, our forelady, and she says, "Yes you might as well quit and go"

Q. I know about that, but so that the record will be straight, as I understand it, it was not Mr. Anselm or Mr. Henry, was it?

A. No.

Q. Or Mr. Aitchison?

A. No.

Q. Or anyone connected with the company?

A. No.

Q. It was some employees—

A. Yes.

Q. —who came in there?

A. Yes, sir.

Q. And mentioned something about a strike, did you say?

A. Yes.

Q. And told you to leave the building.

2115 A. Yes, sir.

Q. And that is why you left?

A. Yes, sir.

Q. That is right, is it?

A. Yes, sir, that is right.

Q. When did you apply for employment again at the Fansteel Company?

A. Well, I don't know just the exact date.

Q. Well, approximately?

A. Oh, let me see. It was before—well, they had something in the paper about it.

Q. There was something in the Waukegan paper about it?

A. Yes.

Q. When was it, with reference to that?

A. Well, it was before the—before the time expired. It was supposed to be, that you should go back before a certain date, you know.

Q. Yes.

A. And I went up before that time.

Q. How long before?

A. Oh, I really couldn't say exactly. I don't recall that now.

Q. But it was after you read the article in the Waukegan paper, was it?

A. Yes, sir, it was after I had read the article in the 2116 paper.

Q. You did read it?

A. Yes, sir.

Q. And then sometime after that, you do not remember exactly when—

A. Before the date expired.

Q. Before the date fixed in the article expired—

A. Yes, sir.

Q. —but after you read it.

A. Yes, sir.

Q. Sometime after that.

A. Yes.

Q. You do not recall exactly when.

A. No.

Q. You went back there.

A. Yes, sir.

Q. For re-employment.

A. Yes.

Q. Now, you joined this union that you speak of, some-time in the month of November, did you?

A. Yes, sir.

Q. And I suppose you are just a member?

A. Yes.

Q. That is, you are not an officer?

A. No.

2117 Q. Or very active in it?

A. No, sir.

Q. You are not on any of the committees of the union, are you?

A. No.

Q. You had not talked to Mary Atkinson, your forelady, about your union affiliations—

A. No.

Q. —or connections, had you?

A. No.

Q. Or anything about the subject at all—had you?

A. No, sir.

Q. Before February the 17th.

A. No.

Q. That is right, is it?

A. That is right.

Q. Were you on the picket line?

A. No, sir.

Q. You had nothing to do with that?

A. No, I didn't.

Q. You merely joined the union?

A. That's all.

Q. And you said nothing about it.

A. No.

Q. And so far as you know, nobody in the plant, so
2118 far as the management was concerned, knew anything about your having joined that organization, did they?

A. No, they didn't.

Q. That is right, is it?

A. That is right.

Mr. Block: That is all.

Mr. Walsh: Just a moment, please.

Redirect Examination.

Q. (By Mr. Walsh.) During the time you worked there, did anybody ever criticize the way you did your work?

A. No.

Q. Did you receive any raises during the time you worked for the company?

A. Yes, sir.

Q. What raises did you get?

A. Well, I think that we were getting 37½ cents per hour, and then that was raised to—or, no. Pardon me. We were getting 35 cents per hour, and that was raised to 40 cents per hour.

Q. And that was in November, was it?

A. Well—

Q. November of 1936?

A. I really just don't remember exactly when it was; but sometime along in there.

Q. Did everybody get a raise at the same time?

2119 A. Yes.

Q. That was the general raise.

A. Yes.

Q. That everybody got.

A. Yes, sir.

Q. Did you get an individual raise at all?

A. No.

Q. You just participated in the general raise; is that right?

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Block: Just one other question, if you please, Miss Bissonnette.

Recross Examination.

Q. (By Mr. Block.) When you went back after the trouble was over there, were you asked to fill out an application?

A. I went back, and I was going to see Mr. Henry, I wanted to see Mr. Henry; and they told me to fill out an application, so I did.

Q. And you did fill one out?

A. Yes, sir.

Q. Do you know whether others filled out applications along about that time?

A. Well—

Q. Other girls, or women?

2120 A. I don't know.

Q. I see. When was this, that you filled this application out?

A. Well—

Q. Was it on the same day that you reported back?

A. That I—

Q. Was it on the same day that you reported back, that you filled out the application?

A. No.

Q. Was it on the same day that you went back and talked to Miss Atkinson?

A. No, sir; I called up Mary Atkinson the day before I filed it out.

Q. Oh, I see. And then the following day—

A. I went down.

Q. —you went down.

A. Yes, sir.

Q. And filled out the application?

A. Yes, sir.

Mr. Block: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: Just a moment, please, Miss Bissonnette.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) What kind of a
2121 position is this that you have now?

A. Where I work now?

Q. Yes.

A. I am demonstrating for Wonder Bread.

Mr. Swiren: Do you bake it, or eat it?

Q. (By Trial Examiner Dudley.) Is that a permanent position?

A. Well, I really do not know, but I do not think it is.

Q. Well, have you been hired for any definite period of time?

A. No, sir.

Q. How much do you get?

A. My pay?

Q. Yes.

A. \$22 a week.

Trial Examiner Dudley: That is all.

Mr. Block: There is just one further question, if the Examiner please.

Q. (By Mr. Block.) How long have you worked there?

A. I have worked there for about three weeks—or something like that, I believe it is.

Q. Did anybody tell you that your employment there was a temporary one?

A. No, sir, they didn't, but of course I imagine it will be, though, because as soon as they finish—they are just having an advertising campaign.

2122 Q. I see.

A. (Continuing.) And as soon as they finish that, why, then I imagine I will be through.

Q. But there has been nothing said either by you or your employer, about it being a temporary matter?

A. No, sir.

Mr. Block: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: That is all; thank you very much.

Mr. Walsh: Do you want this young lady for any further testimony?

Mr. Swiren: No.

Mr. Walsh: She may be excused, then?

Mr. Swiren: Yes.

Mr. Walsh: You may go, Miss Bissonnette.

(Witness excused.)

Mr. Walsh: If the Examiner please, I have one of those men who was ill at the time we came to him, and I would like to put him on the stand at this time. He belongs in group 2, I believe.

Trial Examiner Dudley: Group 2?

Mr. Walsh: Yes.

Trial Examiner Dudley: All right.

Mr. Walsh: Joe Hoff.

JOSEPH HOFF, called as a witness for the National
2123 Labor Relations Board, being first duly sworn, testified as follows:

Mr. Collins: Your name is Joseph Hoff?

The Witness: Yes.

Mr. Collins: Have you been served with a subpoena, over in the court room, to appear before the Examiner?

The Witness: How is that?

1056 *Witnesses for National Labor Relations Board.*

Mr. Collins: Were you served with a subpoena, with a paper, to appear here before the Examiner?

The Witness: Yes.

Mr. Collins: If the Examiner please, I wish to claim the privilege of the witness under Section 11, paragraph 3, of the National Labor Relations Act.

Trial Examiner Dudley: The privilege is granted the witness.

Direct Examination.

Q. (By Mr. Walsh.) Where do you live?

A. 1516 Washington.

Q. Waukegan?

A. Yes, sir.

Q. How long were you employed at Fansteel?

A. About three and a half years, or four years, or something like that.

Q. What did you do there?

A. I worked in the crib.

Q. Where?

2124 A. In the tool room.

Q. The crib, in the tool room.

A. Yes, sir.

Q. When did you join the union?

A. Oh, let me see. I joined the union sometime in August, I think it was.

Q. In August of last year?

A. Yes.

Q. Was the plant operating between February the 17th and February the 26th of this year?

A. When the strike was on?

Q. Yes.

A. No, sir, I don't think it was. I never was down there; I wasn't there at all.

Q. You were not there?

A. No, sir.

Q. Did you report for work on the day that the trouble broke out there?

A. Yes, sir.

Q. Were you working steady at that time?

A. I was working steady, yes, sir.

Q. Did you usually work on the day shift?

A. I was on the day shift, yes, sir.

Q. Were you working the day the trouble broke out?

A. Yes, sir.

2125 Q. Did you stay in the buildings with the men?

A. No, sir.

Q. What time did you leave the building that you were in?

A. Oh, about—I couldn't say exactly, but maybe along about between two-thirty and three-thirty, or something like that.

Q. Shortly after the trouble broke out?

A. Yes, sir.

Q. Right after the trouble broke out, then, you left; is that correct?

A. Yes, sir.

Q. Now, during the time the strike was on there, did you go down around the plant at all?

A. No, sir.

Q. You never showed up down there at all?

A. Except to get my pay.

Q. How?

A. Except for my pay.

Q. Except to go after your pay?

A. Yes, sir.

Q. When did you get your pay?

A. Well—

Q. Was it a regular pay day?

A. I got two pays.

2126 Q. You got two pays during the time the men were in the buildings, did you?

A. Yes, sir.

A. And one of them was on February the 20th, was it, a regular pay day?

A. I think it was—or the day after.

Q. Now, after the plant reopened, did you make an application for your job back?

A. About a month after.

Q. A month after that?

A. Yes.

Q. To whom did you talk about getting your job back, at that time?

A. The office girl, I guess.

Q. The office girl?

A. Yes.

Q. Did you fill out a new application?

A. No.

Q. What did the office girl tell you about getting your job back?

A. Well, she called up, and she said, "Your place is filled."

Q. Whom did she call up, if you know?

A. The superintendent, Anselm.

Q. She called Mr. Anselm?

A. Yes.

Q. And that is the message that you got, that your
2127 place was filled; is that right?

A. That is the message she gave me, that my place was filled. That is what she said to me. Mr. Anselm didn't say anything to me.

Q. Mr. Anselm did not say anything to you.

A. No.

Q. Did you talk to anybody else around there at all, about your job?

A. No, sir.

Q. During the time the men were in the buildings did you help get any food, or bedding, or clothing, or flashlights, or anything else, in to them?

A. No, sir, I am too old for that. I didn't do anything.

Q. You are too old.

A. Yes.

Q. What was your hourly rate of pay when you were working for the company?

A. At the last it was 45 cents per hour.

Q. 45 cents per hour.

A. Yes, sir.

Q. How much did that amount to per week?

A. \$18.

Q. \$18 a week?

A. Yes, sir.

Q. Have you earned anything since you were—or, since—

2128 A. Since the strike?

Q. Since the strike.

A. No, sir.

Q. Were you one of the respondents in the contempt case, and one of the defendants in the injunction case?

A. No, sir, I didn't think I was. Not so far as I know, but I don't know, really.

Q. And you never—I will withdraw that. His answer is that he does not know.

Mr. Swiren: Well, he was not. Let us have the record correct.

Mr. Walsh: He was not?

Mr. Swiren: He was not.

Mr. Walsh: All right. You may inquire.

Cross-Examination.

Q. (By Mr. Block.) Mr. Hoff.

A. Yes, sir?

Q. Would you mind telling us how old you are?

A. How?

Q. Would you mind telling us your age?

A. No, sir.

Q. How old are you?

A. I was 74 my last birthday.

Q. How long did you work at Fansteel?

A. Oh, about four years, I think, or something like that; three or four years.

Q. What did you do there?

A. I told him I was in the tool room, taking care of the tools, and doing odd jobs around there.

Q. I did not hear that. You say you were in the tool room?

A. How?

Q. You were in the tool room?

A. Yes, sir.

Q. What building was that in?

A. I think that was building No. 5—ain't it? No. 3, or No. 5—I think it is.

Q. Well—

A. No. No. 3.

Q. All right. And what was your work more particularly; just what sort of work did you do, in the tool room?

A. I was handing out tools, the tools that you would ask for; I would give them to you.

Q. And after February the 26th, you went back there, did you?

A. To work?

Q. You went back to the plant after February 26th, did you?

A. No.

Q. You did not?

A. What do you mean "go back"?

Q. I say, after the trouble was over, there, when the factory reopened, or the plant reopened, you went back
2130 there, did you?

A. For my money.

Q. I see.

A. For my pay.

Q. You went back there for your pay.

A. Yes, sir.

Q. When was that?

A. After that I never went near it.

Q. When was that?

A. Oh, about a month or so after, I applied for work.

Q. You got your pay?

A. I got my pay.

Q. At that time did you speak to somebody about your employment there?

A. How is that again?

Q. At that time did you ask about going back to work?

A. Well, I can't say that I asked officially. I asked to see the superintendent, and the girl asked me my name, and I gave her my card, and she said she would call me back; and when I came back she said that my place was filled.

Q. That your place had been filled?

A. Yes, sir.

Q. Was the plant running then?

A. Yes, sir.

Q. You know that, do you?

2131 A. Oh, yes.

Q. I mean, the day you had your talk with the young lady, the plant was in operation, was it?

A. Yes, sir.

Q. Now, what date was that, about?

A. How?

Q. About when was it that you had this conversation with the young lady, when she told you that your place had been filled?

A. Oh, that I couldn't say.

Q. Well—

A. They didn't call me right away, and I couldn't tell you when it was.

Q. Was it two or three weeks after the trouble was over?

A. No.

Q. Or longer?

A. Six weeks after.

Q. Six weeks?

A. Yes, sir.

Q. That would be sometime in April, then, when you went there, would it?

A. Sometime in April, I guess.

Q. Of 1937.

A. Yes, sir.

Q. And that was the first time that you had gone 2132 back there to look for work, was it?

A. That was the first time that I went back there to look for work, yes, sir.

Q. That is right, is it?

A. That is the first time, and the only time.

Q. The first and only time?

A. Yes, sir.

Mr. Block: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: That is all, Mr. Hoff; thank you very much.

(Witness excused.)

Mr. Walsh: Now, if the Examiner please, while I still have the Board's case open—

Mr. Swiren: Counsel, you wanted these documents sometime during the hearing, and I do not think they have been given to you as yet.

Mr. Walsh: What are these?

Mr. Swiren: They are documents that you asked for.

Mr. Walsh: These are the proposals, are they not, of the union?

Mr. Swiren: Yes.

Mr. Walsh: Made on the 3rd and 5th of March.

Mr. Swiren: Yes.

Mr. Walsh: All right. If the Examiner please, I 2133 notice that during the course of the hearing, I had neglected to introduce in evidence Board's Exhibit No. 12. It was merely marked for identification; at page 266 of the record, I had it marked for identification. At this time I desire to move for its introduction into evidence.

Mr. Swiren: What is it?

Mr. Walsh: That is the copy of the contract which you furnished.

Trial Examiner Dudley: It may be admitted in evidence as Board's Exhibit No. 12.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO 12.)

Mr. Walsh: Now, at this time, if the Examiner please, I would like to offer in evidence a copy of the proposal made by Lodge 66 to the Fansteel Company.

Trial Examiner Dudley: Of what date?

Mr. Walsh: Dated March 3rd, 1937. And I think, to make it more orderly, we ought to give this an exhibit number right along with those other two or three exhibits which were introduced, of about that time. I will check them in just a moment.

Then I will also offer in evidence the proposal made by Lodge 66 to the Fansteel Company, which letter itself is not dated, but I take it it is the one that was made on the 5th of March, to which the company replied.

Mr. Swiren: I think that is correct. Let me see it a 2134 moment, please.

Mr. Walsh: One is dated March 3rd, and I believe the other was of March 5th.

Mr. Swiren: We object, of course, to both of these exhibits going into evidence, if the Examiner please, upon the following grounds: first, they occurred considerably beyond the dates mentioned in the complaint; there is no charge with respect to failure to bargain, in March; and secondly, it appears that a substantial number of the men were not employees at the time, and there is no evidence as to how many actual employees were represented, and there is no evidence as to any authority to act, and no showing that the lodge represented the number of persons, or any of the persons who were employed by the company, or the number necessary for their claim for collective bargaining representation. There is no showing of any representation at all as of that date.

Trial Examiner Dudley: The objection is overruled, and the two documents are admitted in evidence, subject to your objection and exception.

(The documents referred to were received in evidence and marked BOARD'S EXHIBITS NOS. 25-A and 26-A.)

2135 Mr. Walsh: If the Examiner please, at the time I introduced Board's Exhibits 18, 19 and 20, which were certain applications for membership in the Amalgamated Association of Iron, Steel and Tin Workers of North America, I asked leave to withdraw those cards and substitute a type-written list of the names and dates that the application were made for membership.

After the introduction of those cards they were delivered

to counsel for respondent. Counsel has made photostatic copies for his own use, and has furnished me with a list.

Mr. Swiren: There are some corrections in that list. If you want to go through it, I will call them off to you, and you can make them.

Mr. Walsh: Very well. This may be off the record, I take it.

Mr. Swiren: Yes.

Trial Examiner Dudley: This is off the record, Mr. Reporter.

(There was a discussion off the record.)

Mr. Walsh: The Examiner will recall that Board's Exhibit No. 19 was a list of undated cards, or rather was a group of undated cards. The substituted exhibit will be a list of those cards. Now, I checked the testimony of such witnesses as testified, and from their testimony determined the date that they joined the union. As to those persons appearing on 2136 the list who did not testify, I checked a list of the dues cards of the union, and found what time the dues cards of the union indicate they were members, and when they first began paying dues.

For the persons whose dates were obtained from the record, I have marked those with an "R"; with a footnote indicating that the date was secured from the testimony, in the record; and as to those persons whose dates of application to the union were obtained from the union list, I have marked them with an "X" and put a footnote in to that effect.

Mr. Swiren: May I see that, please?

Mr. Walsh: I was just going to give it to counsel. I will turn it over to counsel, so that he may have ample opportunity to check it.

Mr. Swiren: If the Examiner please, as to the list appearing as Board's Exhibit 19, we have no objection to any information shown by the record in this case; but of course we have no knowledge of what the union records or accounts show; we have never seen them; although the Examiner may recall that we have tried to have them brought into court, but have not succeeded so far.

With the exception of the information that is derived from the union records, to which we have had no access, and which are not a part of this Board's record, we have no objection.

2137 Trial Examiner Dudley: I think the objection is well taken, Mr. Walsh. If we are going to have—

Mr. Walsh: I cannot take serious issue with counsel, as to the ground of his objection to those, if the Examiner please. I will arrange to withhold this one, and will later produce those records, if possible, and give counsel an opportunity to check them.

Mr. Swiren: Why not just cross those out, then, so that the rest may go in.

Mr. Walsh: Well, let us do this—

Mr. Swiren: Or withhold it until later.

Mr. Block: Why not withhold it, and take care of it later.

Mr. Swiren: Yes, why not withhold it? We might be able to agree on it.

Mr. Walsh: Very well. I will do that. We can probably straighten it out.

Mr. Swiren: Yes.

Mr. Walsh: Then I will withdraw Exhibit 19, and submit only substituted exhibits 18 and 20.

Mr. Swiren: There is no objection to those substitutions. Of course, there was an objection to the cards.

Mr. Walsh: Yes.

Mr. Swiren: Which we are not waiving now.

Trial Examiner Dudley: No. Board's Substituted Exhibits 18 is a list of names appearing on the 84 cards 2138 dated before September 10, 1936.

Mr. Walsh: Yes.

Trial Examiner Dudley: And Board's substituted Exhibit No. 20, is the list of names appearing on the cards dated subsequent to September 10, 1936.

Mr. Swiren: It ought to be "Dated September 10th, and prior thereto."

Mr. Walsh: Pardon me?

Mr. Swiren: "September 10th and prior thereto."

Mr. Walsh: Yes.

Mr. Swiren: They were not all prior to September 10th.

Trial Examiner Dudley: All right; just so the record will be straight.

(The documents referred to were received in evidence, in substitution of original BOARD'S EXHIBITS NOS. 18 AND 20.)

Mr. Walsh: Now, Mr. Swiren, have you had an opportunity as yet to get up that wage range?

Mr. Swiren: I have the notes, and I will dictate it during the noon hour.

Mr. Walsh: All right.

Mr. Swiren: I thought we might get it in as an exhibit, instead of going through each department.

Mr. Walsh: That is all right.

Mr. Swiren: I will make an extra copy for you, if you 2139 want it.—

Mr. Walsh: Thank you.

I think that is all at this time, if the Examiner please, and I will again close my case, reserving the right, however, to ask leave to open if something develops which we have not got in at this time.

Mr. Swiren: Now, if the Board has closed its case again, we would like to make some motions, if the Examiner will hear us at this time.

Trial Examiner Dudley: Yes, sir.

Mr. Swiren: The Examiner will recall that there was considerable testimony with respect to an alleged failure to reinstate some of the men and women who testified.

At the outset of that testimony, we objected to the testimony with reference to reinstatement on the ground that reinstatement necessarily involved, first, employment; secondly, a severance of employment, by discharge or otherwise; and third, a reinstatement, or vacating of the severance or discharge. No effort was made to show, and no testimony was offered, with respect to the severance of employment.

Our motion was overruled at that time, with the suggestion that at a later time a motion to strike would be considered; and we are now making a motion to strike all of the testimony with reference to the alleged failure to reinstate:

First, because there is no evidence whatever of dis- 2140 charge, which would be necessary, in any event, for any possible reinstatement or re-employment; and secondly, because there was no evidence whatever connecting up the alleged failure to reinstate, with any union activity or union membership.

I might say in that connection, Mr. Examiner, that the only effort made to connect that up was in the case of one of the witnesses, Starovich, who testified that he was sure he was not reinstated because Anselm had seen him on the picket line. No other witness even went that far.

There is no connection whatever, and in view of that, we

think that the testimony with respect to the matter of reinstatement should be stricken from the record in its entirety.

Trial Examiner Dudley: As to which employees?

Mr. Swiren: As to all of the employees who testified with respect to reinstatement, because they gave no evidence as to the discharge of those employees; there was no evidence as to the discharge of those employees. The only evidence as to the discharge is in connection with the decree and order, certified copies of which were introduced, showing that these men who seized and held the plant, have been discharged for such violent seizure; and also the testimony of two witnesses, that they heard that evening that the men in the plant had been discharged.

2141 Trial Examiner Dudley: Would you add to that, the answer of the respondent—

Mr. Swiren: That they were in the plant?

Trial Examiner Dudley: —as evidence of discharge?

Mr. Swiren: No, Mr. Examiner. The answer of the respondent does not state anything, other than what the order and decree state.

Trial Examiner Dudley: It is practically the same.

Mr. Swiren: It says that the men who were in the plant, were discharged.

Trial Examiner Dudley: The answer of respondent also states certain people were not reinstated for various reasons, in the different categories as there given.

Mr. Swiren: The answer of course is not the record.

Trial Examiner Dudley: But the answer is a verified pleading.

Mr. Swiren: Yes.

Trial Examiner Dudley: And part of the record in the case.

Mr. Swiren: That still does not supply the discharge element, Mr. Examiner, nor does it supply any connection between the alleged failure to reinstate, and any union activity or union membership. The complaint is that they were not reinstated because they were members of the union, attempting to engage in collective bargaining for their mutual aid and protection. But I say there is no evidence of that.

2142 Trial Examiner Dudley: Do I understand the position of respondent to be that these people are still employed at the plant?

Mr. Swiren: No. Our position is—

Trial Examiner Dudley: Respondent admits that these employees were discharged, does it not?

Mr. Swiren: Our position, Mr. Examiner, is that anybody who was concerned in the seizure and retention of the plant, was discharged by that announcement.

Trial Examiner Dudley: Then as to those people who were in the plant at the time the announcement was made, respondent would state that those people have been discharged?

Mr. Swiren: For seizing and holding the plant.

Trial Examiner Dudley: And were discharged at that time?

Mr. Swiren: For seizing and holding the plant.

Trial Examiner Dudley: Yes. Now, as to those people who were not in the plant at that time, referring particularly to the women employees of the plant, and the men employees who were on the night shift, and returned, and never resumed work and never got on the inside: Does respondent claim that those people were discharged, or does it claim that they are still employees of the company?

Mr. Swiren: Well, we cannot bulk the cases, Mr. Examiner. I do not think that there has been any evidence 2143 of any discharge, and I do not think the way to prove discharge is to ask us to admit or deny, upon the argument of a motion to strike. I think the way to prove discharge is produce testimony, and unless there is that testimony, I am afraid that their case must fall.

Trial Examiner Dudley: You mean, you do not take any position as to whether they were discharged or not?

Mr. Swiren: I do not think that we are called upon, on a motion to strike, to supply a deficiency in the evidence on the part of the plaintiff. Each case has got to be considered upon a separate state of facts.

Mr. Walsh: Then your motion to strike does not run to these other groups?

Mr. Swiren: Oh, yes, as to which there is not any evidence of discharge whatever. As to the others, there is some evidence of discharge for engaging in unlawful conduct. But that is the only evidence there is, on discharge.

Mr. Walsh: Well, Mr. Swiren, I believe by your answer, you do admit that they were discharged, and you set up the reasons for the discharge.

Mr. Swiren: We admit that people who were in the plant, who have testified that they were participating in the seizure,

were discharged. As to the others, there is no evidence of any discharge, or any admission of any discharge; and of course that brings us to the proposition that as to 2144 those who were discharged, the only evidence is that they were discharged for engaging in an improper activity and an unlawful activity. There is not any obligation to retire or reinstate anybody who engaged in that kind of activity.

It does not make any difference what the nature of the unlawful activity is, or how lofty the purposes may have been behind that illegal conduct. Or, to put it in another way, with respect to that group: Assume that a man is discharged for engaging in unlawful or improper conduct, and then after that he engages in some union activity. It does not make any difference whether he did engage in that union activity subsequently or not. If he was discharged properly, then there is no obligation of any kind, to reinstate him.

Trial Examiner Dudley: Well, I will rule that the respondent has put in testimony here as to the discharge of the people who were in the plant, by its two exhibits, the decree and the order of the Circuit Court of Lake County; and also by its answer. In each of the cases, counsel for the Board or counsel for the respondent, or both, brought out on examination and cross examination of these witnesses the fact that they did come within the category of the people who occupied the buildings, and were discharged; and therefore there is ample evidence of discharge of those people.

Mr. Swiren: Pardon me, if the Examiner please, but may I interrupt you at this point, so that you will get our 2145 position on that? Apart from that, you have got two other points in that connection: No. 1, that the evidence shows a proper discharge, namely, a discharge for seizing and holding the plant; and secondly, that there was no effort, even, made to establish any other purpose for the discharge.

The complaint charges, first, that the discharge was for union membership and union activities; and second, that the failure to reinstate was because of that. Of course if they fail on their discharge, that is, if the men were properly discharged, if the discharge did not constitute a violation of the Act, then there is no obligation to reinstate, and there would be no question of reinstatement.

Upon a subsequent motion that we want to make, if this motion is overruled, namely, a motion to dismiss, we want to consider the question of proof of union activities in connection with the alleged failure to reinstate.

But on this point, we are faced with this cold proposition, that men were discharged for engaging in unlawful and violent conduct, and that no evidence of any union activity as the basis of that discharge has been introduced; and as a matter of fact the evidence is that at no time was anybody discharged for any union activity, or even threatened with discharge.

Trial Examiner Dudley: On that point, I will rule that the evidence indicated that those men were discharged 2146 for union activity, inasmuch as the evidence indicates clearly that they were discharged because of participation in a strike, which respondent claims involved illegal acts, and which illegal acts respondent claims were basis of or justification for, discharge.

As far as that point is concerned, I will reserve decision until later, however, because that is the real point of this case.

Mr. Swiren: Right.

Trial Examiner Dudley: As I see it.

Mr. Swiren: Right. Now, we have another motion—

Trial Examiner Dudley: Just a moment further.

Mr. Swiren: Pardon me.

2147 Trial Examiner Dudley: As to the people who did not participate in the holdings of the buildings, and as to whom respondents now state that there is no evidence of discharge, the testimony is that those people were not in the buildings; that most of them participated in the strike in one way or another, by assisting in bringing in food, or supplies, or giving support to those in the buildings; that after February 26th the plant reopened, and those people received their pay, and were in most cases asked to turn in their passes; that the company asked some of the employees to return to work, but did not ask some of those people to return; that the company hired other people; that in some cases the company refused the request of those people to return to work; and the hiring of other people by the company upon the reopening of its plant, without requesting these people to return to work, constitutes a refusal on the part of the company to reinstate these people.

Now, there is still a different category, and that is, the people whom the company approached and asked to come back to work, usually through the foremen of the company. Those people in most of the cases which were developed refused to come back to work on the ground that they would

not return to work unless the entire group of strikers, as such, was allowed to return to work.

There I will rule that the offer of the company to reinstate people on condition that they would return to 2148 work as individuals, without a recognition of the union, was based upon a condition opposed to the provision of the Wagner Act, and was tantamount to a refusal to reinstate.

Mr. Swiren: I think I ought—

Trial Examiner Dudley: I think that takes in all of the categories.

Mr. Swiren: I think I ought to call—

Trial Examiner Dudley: Therefore, I will overrule the motion.

Mr. Swiren: I think I ought to call the attention of the trial examiner to the fact that every witness who testified with respect to the matter of reinstatement said that it was unconditional; that the company did not put any condition on it; that the company did not say, "We will not recognize the union", or "We will take you back if you will agree not to be a member", or "We will take you back if you agree not to bargain collectively", or "We will take you back if you agree that we do not have to recognize your union."

It was an unconditional offer. The refusal was a conditional refusal.

Mr. Walsh: I think that has been covered by the examiner's analysis of the situation.

Mr. Swiren: I just wanted to call it to the attention of the examiner.

Trial Examiner Dudley: Yes.

2149 Mr. Swiren: We except to the ruling.

Trial Examiner Dudley: Your exception will be noted.

Mr. Swiren: I would now, if the examiner please, like to present another motion, to strike the testimony of Art Holm, Sr. The charge is that he was discharged because he was suspected of membership in Lodge 66. No serious effort was made,—and, in fact, no effort at all was made to prove any such suspicion. The only evidence is that he could not be a member of the union, as a foreman, and there is no evidence that everybody did not know it.

Trial Examiner Dudley: I will call counsel's attention to the fact that the complaint states that Art Holm, Sr., was discharged, and his reinstatement was refused for the reason that respondent suspected he was a member of the union,

and that he had engaged in concerted activities with other employees for his and their mutual aid and protection.

Mr. Swiren: There is no evidence of his engaging in any such activities.

Trial Examiner Dudley: There was considerable evidence, most of which was brought out on respondent's cross-examination, to the effect that he had assisted in the strike by assisting to collect and pass in supplies of one kind or another.

Mr. Swiren: But there is no evidence connecting any such thing with his discharge at all.

Trial Examiner Dudley: Well, I will reserve my ruling on that part of the motion.

Mr. Swiren: He was not a member of the union, and there was no suspicion of it.

Trial Examiner Dudley: His situation involves a rather difficult analysis.

Mr. Swiren: Now, if the examiner please, we move that the entire complaint, and each and all of the allegations thereof, be dismissed; and for the convenience of the examiner and counsel for the Board, we think it might be well to take up our suggestions in this respect under the heading of each point.

Mr. Walsh: You have it written out?

Mr. Swiren: No.

Mr. Walsh: It would be very convenient if you did, and had extra copies.

Mr. Swiren: No, I just have this original draft, and we are going to have to make some corrections in it. I cannot very well let you have this.

Mr. Walsh: Would it not be better, then, if we just sat down and talked about it, and then filed it as one of the exhibits?

Trial Examiner Dudley: I think so.

Mr. Swiren: Well, if there is a waiver and consent on the part of counsel for the Board and the examiner, I suppose that will be all right, but the rules provide that motions 2151 and the grounds of motions shall be stated orally and incorporated in the record.

Mr. Walsh: That is correct.

Mr. Swiren: However, as I say, if we can have a complete agreement—

Trial Examiner Dudley: I take it you state the grounds of your motion in that typewritten draft there?

Mr. Swiren: Yes.

Mr. Keele: If the examiner please, might I interrupt at this point—

Trial Examiner Dudley: Yes.

Mr. Keele: If the motion, as written, may either be read into the record, or it may be stipulated that, as drafted, it was read into the record—

Mr. Walsh: I expect it had better be read into the record, Mr. Examiner.

Mr. Keele: Yes.

Trial Examiner Dudley: Very well.

2152

"UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

Thirteenth Region

In the Matter of

Fansteel Metallurgical Corporation
andAmalgamated Association of Iron, Steel and
Tin Workers of North America, Lodge 66Case No.
XIII-C-80

MOTION TO DISMISS.

"Now Comes the respondent, Fansteel Metallurgical Corporation, and after the conclusion of the evidence offered in behalf of National Labor Relations Board, the complainant, respectfully moves that the complaint in the above-entitled proceedings against this respondent, and each and all of the allegations thereof, be dismissed, upon the ground that none of the material allegations is supported by the evidence.

"In support of this motion, respondent shows the following:

1. No evidence whatever was introduced to support any of the allegations of paragraphs 8, 9, and 10 of the complaint.

(a) No testimony whatever was offered with respect to the following persons names in paragraph 8 of the complaint: Gus Canelakes, George Kallio, David Nostell, Elsworth Peters, Peter Skarbalus, Victor Weatherhead.

(b) The only testimony as to discharge was the following:

(1) Art Holm, Sr., was discharged. The testimony shows that he was not and could not be a member of the union but

was discharged for lack of efficiency. No evidence is 2153 offered to show any suspicion or belief on the part of the respondent that Holm engaged in union activity.

(2) Jasper Leskovec was discharged on November 24, 1936, and that discharge was in no way connected with his membership in the union. Leskovec took no active part in any union activities.

(c) All the other persons named in paragraphs 8 and 9 of the complaint testified and either denied that they were discharged or remained silent on the subject.

(d) It was stipulated that no employee was discharged by the respondent prior to the evening of February 17, 1937, by reason of union membership, collective bargaining, or mutual aid and protection activities or other activities authorized or permitted under the National Labor Relations Act.

The testimony further shows that at 2:30 o'clock in the afternoon of February 17, 1937, a group of employees of the respondent evicted respondent's officers, foremen, and other employees from buildings 3 and 5 of respondent's plant, and with force seized those buildings, barricaded themselves therein, and remained therein until February 26, 1937, when they were dislodged and evicted by the Sheriff of Lake County.

The record further shows that such retention was in violation of an injunctive order entered by the Circuit Court of Lake County on February 18, 1937, and that the Sheriff's efforts to enforce that injunctive order and a subsequent writ of attachment were resisted with force and violence by the men in possession of buildings 3 and 5.

Two witnesses testified that they understood that the men occupying buildings 3 and 5 were discharged in the evening of February 17, 1937, about four hours after the buildings had been seized. There was no evidence introduced even remotely connecting that vague reference to discharge with any cause other than the violent seizure and retention of buildings 3 and 5.

2. No evidence was introduced to support any of the allegations of paragraphs 11 and 12 of the complaint.

(a) No evidence was introduced with respect to failure to reinstate the following persons:

Gus Canelakes, George Kallio, David Nostell, Elsworth Peters, Peter Skarbalus, Victor Weatherhead.

(b) No evidence was introduced to show any connection or relationship whatsoever between the failure to reinstate

the other persons named in paragraph 11 of the complaint and any membership in the union or any collective bargaining or mutual aid and protection activities, with the possible exception of John Starovich, whose testimony is referred to below.

(c) The following persons listed in paragraph 11 of the complaint admitted that they participated in the violent and unlawful seizure and retention of buildings 3 and 5 of respondent's plant, in violation of the injunctive order 2155 of the Circuit Court of Lake County, Illinois, and the resistance to the Sheriff's execution of such writ, or actively aided and abetted the persons participating in such violence and unlawful conduct to continue their unlawful retention of respondent's property for the period from February 17, 1937, February 26, 1937:

Joseph Aigner, Andrew M. Anderson, Steve Ark, Nick Benkovich, Roy Brown, Edward Brunke, Al Bunton, Jerome Camernick, Jr., Ted Christianson, Joseph Chudy, Lester Crump, W. D. Crump, John Cudith, Jr., Leo P. Daluga, Vincent Dietmeyer, Clarence Dreyer, Harold Dreyer, Raymond DuBois, Thomas E. Fagan, Charles E. Fulkerson, Jr., Charles E. Fulkerson, Sr., Angelo Galbavy, Phil Graimer, John Grom, Stanley Grum, Eugene D. Hendee, Fred Hensley, Victor Hertel, Art Holm, Jr., John W. Jackoway, Oscar Johnson, Tony Kancilja, Edward Kancie, John Kondrath, Frank Latz, Herman Latz, Otto Latz, Joe Lima, Eric Lindberg, Steve Luczo, Elmer Luke, William D. Magness, Paul Makovec, Nate Mogel, George Mondro, Frank Moxey, Frank Musech, Anton Nagode, Ted Ohlson, Joseph Petraitis, John Parski, Merritt Pratt, Robert Pratt, Bartol Puntarich, Harry H. Rayner, Joseph Richveis, Andrew Rode, Arvo Rommppaine, Ed Ruck, Frank Scheuer, Edward Schuman, Luther Small, George W. Smith, Carl A. Swanson, Charles Warner, Paul Wells, Allen White, Fred Yaeger, Frank Zelenick, Mike Zelenick.

2156 (d) The following persons admitted on the witness stand that they had been offered reemployment by the respondent without any conditions attached to the offer, but that they had refused and were unwilling to return to work:

Clarence Dreyer, Robert Pratt, Arvo Rommppaine, Eric Lindberg, Luther Small, Roy Brown, Paul Wells, Edward Schuman, John W. Jackoway, George Smith, George Mondro, Frank Moxey, Otto Latz, Isabelle Recktenwald, Evelyn Gramer, Fern Gartley, Vivian Johnson, Marguerite Siefert, Harry H. Rayner.

Some of these gave no explanation for their refusal of the offers of reinstatement, while others stated that they refused the offer because all of the persons holding buildings 3 and 5 were not also reinstated.

(c) Elizabeth Luczo, Joan Bissonnette, Joseph Hoff, and others testified to being merely members of the union and having engaged in no activity as far as the union is concerned.

(f) Evidence relating to reinstatement of particular individuals is as follows:

(1) In respect to Art Holm, Sr., and Jasper Leskovec, the discharge evidence is noted above.

(2) Jack Taylor testified that he was only a part time employee from time to time and, as a matter of fact, did not join Lodge 66 until March 11, 1937, long after production was resumed.

2157 (3) John Starovich denied participation in the seizure of buildings 3 and 5 and testified that after the plant was reopened and operating he engaged in picketing, that the plant superintendent took particular note of such activity, and he was certain that his failure to be reinstated was due to such picketing. As a matter of fact, the evidence shows his unwillingness to return to work except with all of the men who had occupied buildings 3 and 5.

(4) No evidence whatever was offered even remotely connecting the failure or refusal to reinstate or reemploy any of the persons named in paragraph 11 with their membership in Lodge 66, or any activity looking toward collective bargaining or the mutual aid and protection of the employees of the respondent.

"3. The evidence disproves the allegations of paragraph 12 of the complaint. The evidence shows that former employees were reemployed or given offers of reemployment, notwithstanding that they were members of Lodge 66 and that there was no discrimination against such members in any reemployment.

"4. The evidence failed to establish the allegations in paragraph 7 of the complaint.

(a) The evidence with respect to Alfred Johnstone showed that he had been engaged for a proper purpose and in no way interfered with, intimidated, restrained, or coerced the members of Lodge 66 in connection with the exercise of
2158 their rights under section 7 of the Act. The evidence showed that Johnstone took no active part in the union

and no member of the union was discharged or in any way disciplined because of Johnstone's activities or as a result of Johnstone's employment.

(b) The evidence shows that A. J. Anselm had been employed by the respondent or its affiliated subsidiaries for 20 years, during a large portion of which time he was plant superintendent. There is no evidence to indicate any improper purpose in his resumption of his duties as superintendent.

(c) There is no evidence as to any impropriety in Kon-drath's transfer to the master mechanic's laboratory, no evidence of complaint, and no evidence of interference with any proper union activities. The evidence showed complete satisfaction with his new position.

(d) No evidence whatever was offered to sustain the charge that respondent 'sent, caused to be sent, or acquiesced in the sending of fellow workers and others to the homes of striking workers and offered to reinstate them in their employment as individuals upon the abandonment of employees of their rights under the provisions of section 7 of the Act.' The evidence all showed that the solicitation of employees to return to work was absolutely unconditional and that neither union membership or bargaining activities was discussed or mentioned.

(e) No evidence was offered to show that any of the 2159 acts shown under paragraph 7 of the complaint had for their purpose or effect any intimidation, coercion, restraint, or interference with the lawful exercise of the rights by respondent's employees under the terms of section 7 of the Act, or that such acts constituted unfair labor practices under the terms of section 8, subdivision 1 of the Act.

"5. With respect to the first charge in paragraph 13 of the complaint, the evidence shows that on or about September 10, 1936, the plant superintendent caused a petition to be circulated among employees of the respondent for an expression by them as to whether they desired an employees' representation plan.

One of the employees testified that he was told when given the petition, and that he, in turn, told the employees to whom he presented the petition, that everyone was at liberty to sign or not as he desired. There was no coercion or any threats made. The record shows further that no further steps were taken and that the matter was abandoned at that point and was not heard of since last September.

"6. None of the charges in paragraph 13 of the complaint with respect to the Rare Metal Workers of North America, Local No. 1, was proved by the evidence. Upon this subject the evidence is as follows:

(a) The company had no part in initiating or sponsoring the organization.

2160 (b) Neither the company nor any member of the management participated in the organization or solicitation of members. No threats, either of loss of employment or otherwise, were made to any employee.

(c) The union received no financial or other support of any kind from the company.

All that was shown is that permission was given (1) to the organized committee of workmen to post notice of their initial meetings on the bulletin boards; (2) to hold the initial meeting for determining whether the union was to be formed, and the organization meeting, in vacant space in a building owned by the company, outside of the plant; and (3) to use the company's mimeographing machine for notices and ballots for the two meetings.

The record further shows that no member of the management had anything to do with either of the meetings or was even present; the men conducted the meetings themselves and voted by secret ballot.

The record shows that the second meeting was held in the same building by reason of the fact that the violence employed by Lodge 66 in the sitdown and thereafter had made it impossible for the employees to obtain an outside hall. No coercion, restraint, interference, or domination of any kind was shown.

"7. All questions with respect to collective bargaining raised by paragraphs 5 and 6 of the complaint, with 2161 Lodge 66 or in September 1937, are now moot for the following reasons:

(a) The Rare Metal Workers of America, Local No. 1, represents, for collective bargaining purposes, approximately 230 out of 256 employees in the production and maintenance units. The record shows that that union is a bona fide labor organization representing more than a majority of the employees and hence is the exclusive bargaining agency for all of the employees.

(b) Those men and women shown by the record to have unconditional offers of reinstatement, or not to have been entitled to reinstatement by reason of their participation in

the unlawful violence and retention of buildings 3 and 5, are not employees and should not be considered in determining persons for whom Lodge 66 is authorized to act.

The elimination of these men and women from those for whom Lodge 66 purports to act leaves considerably less than a majority of the employees, which majority is required under the provisions of section 9 (a) of the National Labor Relations Act.

"By reason of all the foregoing matters, the respondent's motion to dismiss the complaint is made herewith and should be granted by the Trial Examiner and by the Board.

"Fansteel Metallurgical Corporation,

Respondent,

"By: Levinson Becker Peebles & Swiren and
Sidney H. Block, *counsel.*"

2162 Mr. Walsh: Now, if the examiner please, in reply to paragraph 1 (a): I will advise the examiner that as to Gus Canelakes, George Kallio, David Nostell, Ellsworth Peters, Peter Skarbalus, and Victor Weatherhead that I reserved the right to reopen the case, to put testimony in on those persons should they present themselves. Whether they will present themselves before the completion of the trial or not, I do not know.

I suggest that at this time, at least, ruling on the motion to dismiss the complaint as to them be reserved.

Mr. Swiren: We think they ought to be produced in the complainant's case, and having failed to produce any evidence as to them, the motion is properly presented.

Trial Examiner Dudley: I will reserve ruling on paragraph 1 (a) until the close of the hearing, in order that we may see what evidence may be produced later on, in connection with these men.

Mr. Walsh: Now, with respect to paragraph 1 (b)-sub (1): We have already referred to the testimony of Art Holm, Sr., and the examiner took under advisement the application to strike that testimony, as I recall it.

Will the same ruling be made here?

Trial Examiner Dudley: The same ruling will be made here. The examiner will take this under advisement also, with reference to 1 (b).

2163 Mr. Walsh: 1 (b)-(1).

Trial Examiner Dudley: Yes, 1 (b)-(1).

Mr. Walsh: All right.

Trial Examiner Dudley: As to 1 (b)-sub-(2), the examiner will also take that under advisement, so that he may have time to read the testimony a little more carefully in that connection.

Mr. Swiren: Our second ground with respect to all of the parties, in paragraphs 8 and 9 of the complaint, is that there is no evidence of discharge other than the evidence of discharge for the seizure of the plant. W. D. Crump is named in paragraph 9 of the complaint, and there was no evidence of the discharge of Crump at all.

As to the others, the evidence is that they were discharged for engaging in an unlawful and violent act. When that is tied in with the stipulation that there had not been, from July until that very moment, any discharge for union activities, and the evidence shows not even any threat of discharge, it seems to me perfectly clear that the motion is well-taken and ought to be granted.

Mr. Walsh: As I recall it, Mr. Swiren and Mr. Examiner, the stipulation covered the matter of discharge up to February 17th.

Mr. Swiren: Right.

Mr. Walsh: -Is that right?

2164 **Mr. Swiren:** That is correct; up to the evening of February 17th.

Mr. Walsh: Yes. Crump, of course, was on the night shift and did not go to work; and I found that he was in the same category with a number of other people concerning whom we later introduced considerable evidence, in the group that I term "those persons outside of the fence"; or, as you have classed them, "aiders and abettors."

Mr. Swiren: Yes, but there is still no evidence of any discharge, as charged specifically in paragraph 9 of the complaint.

Mr. Walsh: Well, of course, we can engage, I presume, in a long line of argument here that will not avail us anything. I feel that we have proved that he was discharged, and that you failed to reinstate him.

Mr. Swiren: That is a separate part of your complaint.

Mr. Walsh: Well, if I catch you one place, it does not make much difference where it is.

Mr. Swiren: Of course, you have not caught us any place yet. That is your difficulty.

Mr. Walsh: I think, as a matter of fact, if the examiner please, you should overrule that paragraph 1, sub-(c).

Trial Examiner Dudley: Mr. Swiren, paragraph 1 (c) does not refer to W. D. Crump in particular, does it?

Mr. Swiren: Well, he is in paragraph 9, Mr. Exam-2165 iner; he and Holm are the only ones named in paragraph 9 of the complaint.

Mr. Walsh: 1 (c) you have reference to, Mr. Engineer?

Trial Examiner Dudley: Yes. You list a number of people named in paragraphs 8 and 9, together.

Mr. Swiren: Yes.

Trial Examiner Dudley: Considering them in toto.

Mr. Swiren: Yes.

Trial Examiner Dudley: You except therefrom only the people mentioned above, in your motion.

Mr. Swiren: That is right. That includes, as far as paragraph 9 is concerned, only Crump; and as far as paragraph 8 is concerned, all of them except Leskovec, and those who did not appear in the testimony.

Trial Examiner Dudley: That is correct. Well, I will overrule the motion on the same grounds which I gave for the overruling of your motion to strike the testimony concerning the refusal to reinstate certain employees.

Mr. Swiren: And the record shows our exception to each adverse ruling.

Now, we come to 1 (d).

Trial Examiner Dudley: I will overrule the motion contained in paragraph 1, sub-(d), for the same reason.

Mr. Swiren: Why not just go through all of them in the same way, if the examiner please, announcing your ruling? I take it, when we have completed the entire motion, we may note a single exception to all adverse rulings.

Trial Examiner Dudley: Yes.

Mr. Swiren: Will that be agreeable?

Trial Examiner Dudley: Yes, that is perfectly satisfactory.

Mr. Walsh: That is agreeable. In 2 (a) you have the same situation as you have in 1 (a), that the testimony of Bissonnette and Hoff be stricken.

Mr. Swiren: Right.

Trial Examiner Dudley: With reference to paragraph 2 (a), I will reserve my decision until the end of the hearing.

With reference to paragraph 2 (b), I will overrule the motion for the reasons previously stated.

Mr. Swiren: Well, let me understand: Is the examiner now ruling that discharge for participating in the seizure of buildings 3 and 5, or failure to reinstate on that ground, were discharge or failure to reinstate, respectively, by reason of union activities, or collective bargaining activities, or any other legal activities?

Trial Examiner Dudley: I am ruling that there is sufficient evidence to show that the discharge and the refusal or failure to reinstate were based upon union activities, so as to raise an important legal question, and justify submitting this matter to the Board for a ruling. For that reason
2167 I am overruling your motion to dismiss.

I will overrule the motion set out in paragraph 2 (c) and paragraph 2 (d).

I will overrule the motion set out in the paragraph 2 (c) for the same reasons applying in connection with paragraph 2 (b).

I will overrule the portion of the motion set out in paragraph 2 (d) because the evidence indicates that the refusal to return to work was based upon the fact that any return to work would have to be as individuals, and involves a failure on the part of respondent to recognize the union, or to take back employees as members of the union; and that such failure constituted a condition of the offer that was in violation of the Wagner Labor Relations Act.

Mr. Swiren: Now, with reference to paragraph 2 (e)—May this be off the record just a moment, Mr. Examiner?

Trial Examiner Dudley: Off the record.

(Discussion off the record.)

Mr. Swiren: As to those that admitted that they were not active in the union, and did not do a thing,—and those two witnesses were typical illustrations of that group—there cannot be any evidence whatever of discharge or failure to reinstate for union membership or union activity.

Trial Examiner Dudley: I will rule on 1 (e)—

Mr. Swiren: You mean 2 (e).

2168 Trial Examiner Dudley: —2 (e), as you have stated it, the evidence would indicate that those people were not taken back because of union activity, which consisted of assisting in the conduct of the strike, and, in some cases, serving on the picket line.

Mr. Swiren: I am talking, Mr. Examiner, about the group who testified that they had no participation whatever, and these two witnesses who testified this morning were typical

examples of that group. They did not serve on any picket line; they were not active in any way; they did not do anything to further the sitdown strike, or any of the activities of the union.

Trial Examiner Dudley: Well, there were very few of those people, but they all testified to membership in the union, as did Miss Bissonnette this morning. Of course, in some cases there were other reasons for the refusal to reinstate, which were likewise shown, as in the case of Mr. Hoff.

Mr. Swiren: Yes, that is a typical case. He came back 6 weeks later and asked for his job, and was surprised to find that it had been filled.

Trial Examiner Dudley: I will reserve ruling as to those until the end of the hearing, and until we have the names of those people whom you want considered, so that I can consider the testimony of the particular individuals.

2169 Sub-Paragraph (4) (f): That refers to the people mentioned in Paragraph 11 of the complaint.

• Mr. Swiren: That is correct.

Trial Examiner Dudley: And not mentioned in sub-paragraphs 1, 2 and 3 of the motion.

Mr. Swiren: That is correct.

Trial Examiner Dudley: As to—

Mr. Swiren: Well, no; it also includes those mentioned under 1, 2 and 3. They are in the same class. There is no evidence as to them, either.

Trial Examiner Dudley: Well, in that event, as to sub-paragraphs (1), (2) and (3) of paragraph (f), I will reserve my ruling on the motion.

As to paragraph (4)—

Mr. Swiren: Subdivision (4) of 1 (f).

Trial Examiner Dudley: As to sub-paragraph (4) of paragraph (f)—

Mr. Walsh: (2).

Mr. Swiren: 2 (f).

Mr. Walsh: 2 (f)-(4).

Mr. Swiren: Yes.

Trial Examiner Dudley: All right. As to that, I will overrule the motion, except insofar as it pertains to the immediately preceding sub-paragraphs (1), (2) and (3).

Mr. Walsh: As to that portion, the ruling will be re-
2170 served, will it?

Trial Examiner Dudley: As to that portion, the ruling will be reserved, yes.

I will overrule the motion contained in paragraph 3, which is largely a denial of the conclusions set forth in the complaint.

I will overrule the motion as far as it is contained in paragraph 4, sub-paragraph (a).

As to sub-paragraphs (b) and (c), I will reserve ruling until the end of the hearing.

As to sub-paragraph (d), I will overrule the motion.

As to sub-paragraph (e), I will reserve ruling until the end of the hearing.

Regarding paragraph 5, of the motion, I will overrule it, because the evidence indicates at least some proof that respondent may have violated Section 8, sub-paragraph (2) of the Wagner Labor Relations Act, although it does show that any such violation, if any, had apparently ceased, as far as that particular activity was concerned, long before the strike.

As to paragraph 6, of the motion, I will reserve judgment until the end of the hearing.

Mr. Swiren: Now, paragraph 7 is based in part upon paragraph 6 and in part upon the previous ones.

Trial Examiner Dudley: I see.

Mr. Swiren: Before we get to 7, however, Mr. Ex-2171 aminer, I think we ought to say this: The record is complete, so far as the Board's case is concerned, on paragraph 6, and I think that a ruling on 6 may dispose of considerable testimony.

For example, as noted in Paragraph 7 of the motion, if the complaint is not well taken with respect to the Rare Metal Workers of America, Local No. 1, that is an important item in and of itself; and further, it is important because then the questions of collective bargaining in September and February become moot questions.

Today, that is the proper bargaining agency, and I think that the Examiner ought to give careful consideration to an immediate ruling on that, because, if it is unfavorable to the Board I think it will eliminate considerable evidence.

Trial Examiner Dudley: I will reserve my ruling on that. You set up quite a bit about it in paragraph 6 of your answer, and I think there is at least enough here to make it worth while to hear what the testimony of respondent will develop on that point. —

Mr. Swiren: Well, after all, this is the testimony of the people who engaged in the organization of the local.

Trial Examiner Dudley: Well, I will reserve my ruling on that.

Mr. Swiren: That still leaves paragraph 7.

Trial Examiner Dudley: I will overrule the motion set forth in paragraph 7, because it is based largely upon 2172 hoped-for conclusions that have not as yet been reached by the Board.

Mr. Keele: Based on what?

Trial Examiner Dudley: On hoped-for conclusions; that is if the Board rules that the Rare Metal Workers of America was in good standing, and so forth, and if the Board did not order reinstatement.

Mr. Swiren: Either one.

Trial Examiner Dudley: Well, all right,—then what you say in paragraph 7 might be true.

Now, what we have here is a motion to dismiss the entire complaint, with paragraphs and sub-paragraphs giving, really, reasons in favor of the motion, rather than giving individual motion to dismiss.

Mr. Swiren: Well, it is a motion with respect to the entire complaint, and each and all of the allegations thereof.

Mr. Walsh: Yes.

Mr. Swiren: So that it is incumbent upon the Examiner to rule with respect to the complaint in its entirety, as we conceive it; and also the individual sections, as we have discussed them in connection with the reasons.

Trial Examiner Dudley: Well, I have ruled on the individual sections.

Mr. Swiren: Yes.

Trial Examiner Dudley: And on the entire complaint, I will overrule the motion to dismiss, but I will state this 2173 for the record, for the benefit of counsel for the respondent, that over the week-end I gave the matter rather careful consideration, thinking that you might make such a motion; and I wish to call attention to this fact, that if the Trial Examiner did grant the motion to dismiss, then the matter would go to the Board on the basis of the present testimony, without including any testimony on behalf of respondent, except such as has been brought out on cross examination; and the Board might well, then, overrule my motion, or my granting of your motion to dismiss—

Mr. Walsh: Might reverse it.

Trial Examiner Dudley: Yes; in which case it would

either have to come back here, to take further testimony, or we might make the attempt to submit it on the basis of the present testimony; which would not be desirable in any respect.

Mr. Swiren: I might say that if that concern were to apply in each instance, there would never be a motion allowed by an Examiner; and yet the rules and regulations of the Board do provide for such motions, and the allowance thereof, in fairness to the parties affected.

Trial Examiner Dudley: It would mean that there would never be the granting of a motion to dismiss unless there was an exceedingly clear case.

Mr. Swiren: Well, of course we think that this is an 2174 exceedingly clear case.

Trial Examiner Dudley: You certainly do not have an exceedingly clear case here.

Mr. Swiren: Oh, we think we have. I do not think there is any evidence to sustain the principal points at issue, under the complaint.

Trial Examiner Dudley: Well, I will deny the motion on the grounds that the complaint and the evidence certainly state a prima facie case of violation of the Act; and that the evidence of respondent is therefore desirable in the record. Also on the basis that it is better to submit the testimony of both the complainant and respondent at the same time to the Board in a case like this.

Mr. Swiren: Shall we proceed, then?

Trial Examiner Dudley: Yes.

Mr. Swiren: May the record show our exception to each adverse ruling.

I may say to the Trial Examiner, we are preparing an amendment to the answer, to conform to the proof already in, that I mentioned at the last session. We have not quite completed it, but we will get it in during the next day or two.

Mr. Walsh: That is all right.

Trial Examiner Dudley: That is satisfactory.

Mr. Walsh: Will it raise any new issues?

Mr. Swiren: No.

2175 Trial Examiner Dudley: You may want to submit some sort of a brief, covering your argument as to the law, rather than try to set forth your position in your answers.

Mr. Swiren: Pardon me?

Trial Examiner Dudley: I say you may want to submit some sort of a brief covering your argument as to the law.

Mr. Swiren: Perhaps.

Trial Examiner Dudley: Off the record.

(There was a discussion off the record.)

Mr. Keele: This, then, brings us up to the point of opening our case.

Mr. Walsh: Of going forward with your case.

Trial Examiner Dudley: Yes.

Mr. Keele: I would like to say to the Trial Examiner that we have given considerable thought to the question of the manner and method of introducing the defense, with a view of cutting the time consumed down to the minimum.

Trial Examiner Dudley: The Examiner of course is gratified to hear that.

Mr. Keele: In connection therewith, we have worked out among ourselves a tentative stipulation, which, if agreed to by the government, or by counsel for the Board, and by the attorney for Lodge 66, which is a party, will I think materially lessen the time to be consumed, and will probably as effectively bring the matter, from the point of view of 2176 both parties, or all three parties, if we may so designate them, before the Trial Examiner and before the Board, as though it were all covered by evidence.

Naturally, if we are to make it as all-inclusive as possible, it is going to require some time. I do not mean by that, that it is going to require any unreasonable length of time, but it is going to require time which will run into an hour or two, at the most optimistic estimate.

Now, my thought is that if we could have a short time to go over the matter with Mr. Walsh and Mr. Collins, we may be able to agree at least in principle, and if we can, then the details can be filled in later, which will permit us to proceed on the theory that the stipulation will be entered as of this time, that is, as the first step in the case; and then we can fill in such details as we cannot agree upon in the stipulation.

I believe that what we have in mind seems to be reasonable, covering matters which are largely in the record, as to which there is reasonable basis for believing we can agree, I think; and if we do, we will cut several days from the time necessary to be consumed by the defense.

I therefore at this time suggest that we be allowed an adjournment of, say, an hour, so that we will have ample time to discuss this matter.

Mr. Walsh: Let me suggest this, if the Examiner
2177 please: It is now 11:15.

Mr. Swiren: Why not stop right here until 2 o'clock?

Mr. Walsh: Yes, I think we should suspend right now
until after luncheon.

Mr. Keele: Two o'clock?

Mr. Walsh: Yes. We can retire to the office of counsel,
where we can thresh this thing out.

Mr. Keele: By adjourning early, Mr. Examiner, as I say,
I think we can undoubtedly save a great deal of time.

Mr. Walsh: I think we can probably save three days time
anyway.

Mr. Block: I think if you suspend at this time until two
o'clock, Mr. Examiner, it will give us ample time to cover it.

Mr. Keele: May I say again, Mr. Examiner, I think all
of the lawyers concerned will agree that if we do this, it
will cut three or four days off the time to be consumed by the
defense.

Trial Examiner Dudley: Shall we recess at this time until
two o'clock then?

Mr. Keele: Suppose we recess until 2 o'clock, and then
if we have not finished by that time, we may have to ask for
a little further time.

Trial Examiner Dudley: That will be agreeable; we will
go to two o'clock, and if you need further time, we will
2178 take a further recess.

Mr. Keele: All right.

Trial Examiner Dudley: Let the record show that the
hearing at this time is recessed until 2 o'clock this afternoon.

(Whereupon, at 11:15 o'clock A. M. a recess was taken un-
til 2:00 o'clock P. M.)

After recess.

(The hearing was resumed at 2:00 o'clock pursuant to the
taking of recess.)

Trial Examiner Dudley: The hearing will come to order.

Mr. Banker: Mr. Examiner, they are still working on the
stipulation, and will probably require another hour's time.

Trial Examiner Dudley: Very well. Let the record show,
Mr. Reporter, a recess until 3 o'clock.

(Thereupon a recess was taken until 3 o'clock P. M.)

Trial Examiner Dudley: Let us proceed.

Mr. Walsh: If the Examiner please, I offer in evidence at
this time as Board's Exhibit No. 35, the letter referred to

by Mr. Art Holm, Sr., when he was on the witness stand the other day, dated February 25th, 1937, on the stationery of Fansteel Metallurgical Corporation, addressed to Mr. Arthur Holm, signed by A. J. Anselm, superintendent.

Mr. Swiren: No objection.

2179 Trial Examiner Dudley: Without objection, the letter and the envelope in which it is contained, are admitted as Board's Exhibit No. 35.

(The documents referred to were received in evidence, and marked "BOARD'S EXHIBIT NO. 35.")

Mr. Swiren: At this time, if the Examiner please, we offer in evidence stipulation of facts agreed to by and between all of the parties hereto and ask that it be admitted in evidence and marked Respondent's Exhibit 7.

Mr. Walsh: In the stipulation itself, if the Examiner please, I have reserved—

Mr. Swiren: The right to call further witnesses.

Mr. Walsh: —the right to call further and other witnesses.

Mr. Swiren: Yes.

Mr. Walsh: Further, I am objecting to the consideration, as evidence, of any of the things stipulated to, on the ground of their incompetency, immateriality and irrelevancy to the issues presented by the complaint.

Mr. Swiren: And in addition to your reservation in the stipulation, you are now making that objection on the record.

Mr. Walsh: I am now making that objection on the record, separate and apart from the one that is included in the stipulation.

2180 Trial Examiner Dudley: The stipulation will be entered as Respondent's Exhibit 7. The objection of the Board is overruled.

(The document referred to was received in evidence and marked "RESPONDENT'S EXHIBIT NO. 7").

Mr. Block: Mr. Anselm, take the stand, please.

Mr. Swiren: This witness has been sworn.

Mr. Walsh: Yes.

Trial Examiner Dudley: Yes, he has testified.

A. J. ANSELM, called as a witness for the Respondent, being previously duly sworn, testified further as follows:

Direct Examination.

Q. (By Mr. Block.) You are the same Mr. Anselm who has testified previously in this case.

A. I am.

Q. Mr. Anselm, were you present on either of the occasions, that is on February 19th or February 26th, 1937, when the sheriff was engaged in evicting or attempting to evict certain persons from buildings 3 and 5 of the Fansteel premises?

A. I was present on both of those occasions, yes, sir.

Q. On those occasions—just in order to shorten it up, will you describe what if anything you saw coming from the buildings that were occupied by the men?

A. Well,—

Trial Examiner Dudley: And give us the dates of each.

The Witness: How?

2181 Trial Examiner Dudley: Give us the dates.

The Witness: The 19th and 26th.

Trial Examiner Dudley: No, I mean when you are testifying and referring to a particular occasion.

Mr. Walsh: In other words, start your story by saying "On the 19th"—and so forth.

A. Well, on the morning of February the 19th, I believe there was 80 deputy sheriffs present in the yard, more or less, and they started trying to evict the employees from Building 6 first.

Q. (By Mr. Block.) What building?

A. Or rather, from Buildings 5 and 6.

Q. Buildings 5 and 6.

A. That was the adjacent building.

Q. Yes?

2182 A. And as they approached the south door of building 6, a barrage of wire drawing spools, bolts, nuts, end-mills, and other iron parts, such as pipe, came out of the second and third floors of building 5.

They were showered at the deputies, and the deputies, after that, started to break in the south door of building 6, with a battering ram. After that door was down, a number of men inside the building turned a 40-gallon Foamite fire extinguisher on the deputies. They emptied that, and then

the brought into play a fire hose; they turned that on the deputies. They also showered on the deputies, quart bottles of acid, and continued that until the deputies were through.

Their excuse for withdrawing at that moment was that there was too much acid in the air, and that they were afraid of being blinded.

Q. Now, Mr. Anselm, this was on the occasion of February the 19th, 1937, was it?

A. Right.

Q. What time was it, about?

A. Oh, it was after daylight. I remember distinctly that the sheriff asked to wait until after daylight, so that the men in the buildings would know that they were deputy sheriffs.

Q. Were any of those men in policemen's uniform?

A. Oh, I would say that over one-third of them were in uniform.

2183 Q. Was the sheriff of Lake County, Illinois present?

A. Yes.

Q. With those men?

A. The sheriff of Lake County, Illinois, and his chief deputy, were present.

Q. And where were those men—or, let me withdraw that.

First, will you explain what you mean by building 6, and what connection it has with building 5, so that the record will be clear.

A. Well, building 6 is a one-story building west of building 5. Building 5 is a four-story building; they are tied together.

Q. And where were the sheriff and his deputies with reference to building 6?

A. They were on the west side of building 6.

Mr. Swiren: We are going to offer these in a moment, and they might help the Examiner and counsel to follow the testimony of the witness.

Mr. Block: Yes. Let us have these photographs marked, if counsel has not objection.

Mr. Walsh: No.

The Witness: They were right here, on the west side of the building. (Indicating.)

Mr. Swiren: Just a moment.

Mr. Block: Just a moment. Let the reporter mark 2183 the photographs.

Mr. Swiren: Respondents' exhibits 8 and 9.

Mr. Block: For identification.

(The photographs referred to were marked Respondents' exhibits Nos. 8 and 9 for identification.)

Q. (By Mr. Block.) Now, Mr. Anselm, referring to respondents exhibit 8 for identification: is that a true and correct representation of the buildings in question; that is to say, 6 and 5.

A. Yes, sir.

Q. That picture, however, was taken after February the 26th, was it not?

A. That is correct.

Q. After the eviction of the men?

A. Yes, sir.

Q. But so far as being a true representation is concerned, in other respects, I mean so far as the location of the buildings is concerned, that is correctly represented in that photograph, respondents' exhibit 8 for identification, is it?

A. Yes, sir.

Q. All right. Now, then, the sheriff and his men, were, as I understand it, at which side of building 6?

A. They were on the west side of building 6.

Q. And these various objects and things which you
2185 say you saw thrown out, came from where, with reference to those two buildings?

A. Well, they came from the second and third floors of building 5.

Q. And on what side of the building?

A. That is also on the west side of building 5.

Q. How did they come out of the building?

A. Through the windows.

Q. Out through the windows, or what?

A. How?

Q. Through the windows, or how?

A. Through the windows, yes, sir.

Q. Well, what happened to the windows? Were any of the windows broken?

A. Yes, sir some of the windows were broken from throwing out those missiles at that time.

Q. By whom were they broken?

A. They were broken by the men, inside of the building.

Q. And where were the other men, that is, the sheriff and his men, with reference to the buildings? That is, you have told us where they were, but I mean, how close were they, or how far away?

A. Well, when they were battering in the door, of course, they were right at the building.

Q. And when, with reference to that time, did the things which you have described, come out of the windows?

2186 A. Well, they started to come out of the windows just before they started battering in the door, and they continued all through that battering, and they continued on after that for possibly half an hour or 45 minutes.

Q. From where was the acid poured, if you know?

A. The acid came out of the second floor of building 5.

Q. And where, with reference to the men outside, the deputies, and the sheriff?

A. Well, it came down over the roof of 6, and dropped down around their feet, over the west end of building 6.

Q. What kind of acid was it?

A. Sulphuric acid, about 1400-gravity.

Q. And do you know anything about the effect of sulphuric acid upon the human body, or human flesh?

A. I do.

Q. Will you just state that briefly: Let us make it as short as we can.

A. It will burn the flesh, wherever it strikes it.

Q. And this particular acid, do you know whether it came from your supply, or do you normally have a supply of acid in the plant, when it is in operation?

A. Yes, sir, we have a supply of acid.

Q. Where is it kept?

A. It is kept in the shipping room in building 5, on the first floor.

2187 Q. I see. And this acid which you saw, came from what floor?

A. This particular acid came from the second and third floors of Building 5, and also from the Tool Room Floor of Building 3.

Q. Now,—

Mr. Walsh: Pardon me. At the same time.

The Witness: Sir?

Mr. Walsh: All at the same time?

The Witness: At the same time, all in the same battle.

Mr. Walsh: All right.

Q. (By Mr. Block.) Now, then, these other objects which you have described: what about their size, and weight, and so forth?

A. This one in front of me is known as a wire drawing

spool, which makes a very efficient deadly weapon when you use it to hit somebody with.

Mr. Block: Well, so that we can follow your testimony intelligently, let us ask to have this designated as respondents' exhibit 10 for identification.

(The object referred to was marked respondents' exhibit No. 10 for identification.)

Q. (By Mr. Block.) Will you describe it?

A. Well, as I just said, it is a wire drawing spool.

Q. About what size and weight is it?

2188 A. Oh, that is about 5½ inches in diameter, and weighs about three pounds.

Mr. Block: Now, this next object, we will ask to have designated as respondents' exhibit No. 11 for identification.

(The object referred to was marked Respondents' Exhibit No. 11 for identification.)

Q. (By Mr. Block.) Will you describe that?

A. This is a sharp-edged tool, known as an end-mill, and can be very well used as a deadly weapon.

Q. What is its size and weight?

A. Why, it is an inch and three-quarters in diameter, and about 8 inches over all.

Q. How much does it weigh, approximately?

A. About 4 pounds.

Q. All right. Now, this next one, we will have to have designated as respondents' exhibit 12 for identification.

(The object referred to was marked Respondents' Exhibit No. 12 for identification.)

Q. (By Mr. Block.) Will you describe that?

A. Respondents' exhibit 12 for identification is the same type of tool, but it only weighs about a pound and a half.

Q. All right. Now, directing your attention to these last three exhibits, Nos.—

Mr. Swiren: 10, 11 and 12.

2189 Q. (By Mr. Block.) (Continuing.)—10, 11 and 12, did you see those objects, or similar objects coming from Building 5 on the occasion which you have just described and referred to?

The Witness: Give me that question again.

Trial Examiner Dudley: Read it.

(The question was read.)

A. I did.

Q. (By Mr. Block.) What is the answer?

A. I did.

Q. Now, did they all come from some one window, or more than one window, or what was the fact?

A. No, sir, they came from all of the windows on those two floors of that building, and they also came from the second floor on the north side of the building 3.

Q. And the acid came from which building, did you say?

A. The acid came from both buildings.

Q. How about the Foamite?

A. The Foamite came from Building 6 only, at that time.

Q. Now, then, so far we have discussed buildings 5 and 6.

A. Yes.

Q. What, if anything did you see about building 3 on that same occasion, if you did see anything?

A. Other than the acid, and the tools and pieces of pipe, and bolts, and so forth, that I have already described, 2190 that is all I saw coming from building 3.

Mr. Walsh: Has there been any offer of these exhibits yet, Mr. Examiner?

Trial Examiner Dudley: No.

Q. (By Mr. Block.) Were there any supplies of tantalum or contact points coming out of that building on that occasion?

A. Not on that occasion, no, sir.

Q. Not on that occasion?

A. No.

Q. All right. Showing you respondent's exhibit No. 9 for identification, I will ask you if you know what that represents, or what that is a picture of?

A. Well, that is a 40-gallon Foamite fire extinguisher, and it is used with a special pump, designed to extinguish oil fires.

Q. Where is it normally kept?

A. It is normally kept on the shipping room floor, in building No. 5.

Mr. Walsh: Just to keep the record straight, might I interrupt at this point to ask a question?

Mr. Block: Certainly.

The Witness: This does not illustrate where that normally belongs.

2191 Mr. Walsh: No. You refer to the shipping room. Where is the shipping room?

Q. (By Mr. Block.) Where is the room that you speak of as the shipping room, Mr. Anselm?

A. The shipping room is on the first floor of building No. 5.

Q. Now, where did you say you saw this tank on that day—or on the morning of February the 19th?

A. I saw that tank on the morning of February the 19th, yes, sir.

Q. I say, where was it at that time?

A. It was at the foot of the ramp, in building 6.

Q. On what floor?

A. The first floor.

Q. The first floor.

A. Yes.

Q. Of building 6, you say?

A. Yes, sir. That would be west of its normal location.

Q. In whose possession was it, or who was using it at that time?

A. Well—

Q. I do not mean—

A. It is the duty of the firemen, of course, to operate it.

Q. Well, but who was using it at that time?

A. Why, the men who were inside of the building, were using it.

2192 Q. Now, were you also there on the occasion of February the 26th, when another attempt was made by the sheriff and his men to evict the occupants of buildings 3 and 5?

A. I was.

Q. What, if anything did you see coming out of the buildings on that occasion, buildings 3 and 5?

A. A bottle of tantalum contact points, containing probably 40,000 to 50,000 points, were thrown at the deputies.

Q. Out of which building, if you know?

A. That came out of building 3, the south side, from the second floor.

Q. And was there anything else, that you recall?

A. Yes, sir, there were tools of all descriptions, pipe, bolts, nuts, and acid, showered on the deputies, for over half an hour.

Q. Mr. Anselm, after February the 26th, did you go into the buildings, to inspect them?

A. I did.

Q. Will you describe for the record what you found there in buildings 3 and 5, after your inspection had been made, with reference to machinery, or acid, or anything else? Just tell us what you found after you made the inspection, that

was different from the conditions that existed before the buildings were seized?

A. Well,—

2193 Mr. Walsh: Just a moment. That is objected to, Mr.

Examiner as not being material to any issues raised here by the complaint, unless—well, it would not be material on any ground. The condition of the buildings afterward could have no material bearing on the issues raised here by the complaint, nor the defense raised by the answer of respondents.

Trial Examiner Dudley: I will overrule the objection, and admit it for what it may be worth.

Mr. Block: Perhaps I put the question to the witness incorrectly.

Q. (By Mr. Block.) Were you in there, Mr. Anselm on February the 25th, after the men were evicted,—the same day?

A. After the men were evicted?

Q. Yes.

A. Yes, sir. I was in there.

Q. Then, let me ask you, what did you find on February the 26th, after the men were evicted?

A. On the second floor of that building—

Q. Which building?

A. Building 3.

Q. Yes.

Mr. Walsh: Pardon me just a moment further. May I have the record show an objection if the Examiner please to this entire line of questioning?

2194 Trial Examiner Dudley: Yes.

Mr. Walsh: So that I will not have to interrupt counsel's examination.

Mr. Block: That is all right.

Trial Examiner Dudley: The record may show the objection, and the objection is overruled.

A. (Continuing) —known as our tool room—

Trial Examiner Dudley: Just a moment. Off the record, Mr. Reporter.

(Discussion off the record).

Trial Examiner Dudley: Proceed.

Q. (By Mr. Block.) How long after the men were evicted did you enter the buildings in question?

A. Well—

Q. Oh, approximately how long after?

A. Approximately three hours.

Q. Was there anybody in the buildings, or had anybody been in the buildings?

A. I don't think that anybody wanted to go into the building, very bad, at that time.

Q. I see. Well, do you recall whether anyone had been in those buildings?

A. I don't believe that anybody had been in there, except possibly a deputy sheriff.

Q. Except what?

2195 A. Except possibly a deputy sheriff.

Q. All right. Then, will you describe their condition, just in a general way.

A. Well, on the second floor of the building, in what is known as our tool room, I found—

Q. In which building?

A. (Continuing) —on the table of a drill press, about 14 bottles, one-quart bottles of sulphuric acid; and also lined up with those bottles were four fire extinguishers.

Q. Now, normally, that is, when the plant is operating normally, where would those bottles and those fire extinguishers be?

A. The bottles would belong in building 5, in the shipping room, on the first floor.

Q. Where are they kept in the building?

A. That is where they are normally kept.

Q. In building 5?

A. Yes.

Q. Where?

A. How?

Q. Whereabouts in building 5 would they be kept normally?

A. They would be kept normally in the shipping room, in building 5.

Q. And the shipping room in building 5, I think you said, was—where? On the first floor?

2196 A. On the first floor.

Q. All right.

A. That was on the first floor.

Mr. Block: Now, may we have this photograph marked respondents' exhibit No. 13 for identification.

(The photograph referred to was marked Respondents' Exhibit No. 13 for identification.)

Q. (By Mr. Block.) Mr. Anslem, I will ask you to look at respondents' exhibit No. 13 for identification, and state whether that correctly represents what you found on February 19, 1937, when you entered the building, building No. 5.

A. Building 3.

Q. Or rather, building 3, I should say.

A. Yes, that is correct.

Q. It does?

A. Yes, sir.

Mr. Walsh: February 26th that was, was it?

The Witness: February 26th.

Mr. Swiren: February 26th.

Mr. Block: Yes.

Mr. Walsh: May I see that last one, please.

Mr. Swiren: Certainly.

Q. (By Mr. Block.) How many bottles of acid did you find there at that time, Mr. Anselm?

A. Oh,—

2197 Q. Approximately.

A. Well, there may have been as many as 14 bottles there.

Q. Bottles which you found?

A. Yes, sir, and in addition to them, there were bottles under the tool room foreman's desk.

Q. By the way, let me ask you this: the bottles and the fire extinguishers shown in respondent's exhibit 13 for identification, are those the same which you found there, which you have previously testified about?

A. Yes, sir.

Q. And you found them in the location where they appear in this picture, did you?

A. Yes, sir.

Q. Respondent's exhibit 13 for identification.

A. Yes, sir.

Q. Now, were there some others, that you say you found somewhere else?

A. Yes, sir, there were some others under the tool room foreman's desk, in addition to these.

Q. Well, was that the normal place for them to be, or not?

A. No, sir; it was not.

Q. What else, if anything did you find there—or first, let me withdraw that question.

Will you mark these photographs respondents' exhibits 14 and 15 for identification, Mr. Reporter.

2198 (The photographs referred to were marked Respondent's Exhibits Nos. 14 and 15, respectively, for identification.)

Q. (By Mr. Block.) Referring to respondent's exhibit 14 for identification, which you have in your hands; what does that show?

A. That shows the condition of building 6. The debris on the floor there, I imagine, was knocked over with the fire extinguisher.

Mr. Walsh: I object to that, and move it be stricken.

Q. (By Mr. Block.) What did you find at that point, represented in the picture, when you entered that building?

A. I found the whole inside of the building sprayed with Foamite fire extinguisher.

Q. Does this correctly represent the condition which you found there on that day?

A. Yes, sir.

Q. All right. The next picture is respondent's exhibit—what number?

Mr. Swiren: 15.

Mr. Block: 15 for identification.

Q. (Continuing) I will ask you to describe that picture.

A. Well, this is known as a one-quart Pyrene fire extinguisher, and it was found on the second floor of building 3, in the tool room, on the south side.

2199 Q. And does that correctly represent the condition which you found there on that day?

A. Yes, sir.

Q. Now, what else did you find, if anything, in those buildings—I mean, as far as any changes were concerned?

A. Well—

Q. For instance, did you find any wires, or telephone communications, which had been installed during this period of time, which did not exist before February the 17th, 1937?

A. Yes, sir, building 5 and building 3 were hooked up with a new telephone system.

Q. And were supplies which were in the buildings used to accomplish that?

A. Yes, sir, they used supplies which were in the buildings, to do that.

Q. I did not hear.

A. They used supplies which were in the buildings, to accomplish that purpose.

Q. So that communication was furnished between building 3 and building 5—

A. Yes.

Q. —that is correct, is it?

A. Yes, sir.

Q. And how about the condition of the buildings with reference to the windows? Were most of the windows broken?

2200 Mr. Walsh: That is objected to unless they can show that the men inside of the buildings, broke the windows.

Mr. Block: Well, we have shown that they broke some.

Trial Examiner Dudley: The objection is overruled, and the testimony will be admitted.

A. A large number of windows were broken, yes, sir.

Q. (By Mr. Block.) By the way, do you know who broke some of those windows, Mr. Anselm?

A. The people inside of the buildings broke the windows.

Q. That is, during this period from February the 17th to February the 26th, 1937?

A. That is correct.

Q. All right. Now then, will you go on. In buildings 3 and 5, how many windows were broken, if you know, in each of those buildings?

A. Well—

Q. Oh, approximately; not each window. Were there many windows broken in each window?

A. Yes, sir, a great many of the windows were broken in each of the buildings.

Q. What did you find inside of the buildings, in the way of supplies that came from outside, during the period, February 17th to February 26th?

A. Well, we found almost everything; beds, milk cans, radios, sheet music—

2201 Q. Any operas?

A. (Continuing) And we found coffee cans and milk bottles.

Q. I take it that buildings 3 and 5 normally are not equipped with those articles which you have just described, are they?

A. No, sir, not normally.

Q. And that they came into those buildings during the period from February 17th, to February 26th; is that correct?

A. Yes, sir.

Mr. Block: The next number will be what?

Mr. Swiren: 16.

Mr. Block: Please mark this respondent's exhibit 16 for identification, Mr. Reporter.

(The photograph referred to marked Respondent's Exhibit No. 16 for identification.)

Q. (By Mr. Block.) Referring to respondent's exhibit 16 for identification, bearing the photograph purporting to show some of the articles of the kind which you have just described: I will ask you if you recognize whether those are the articles which were removed from the buildings, or similar articles?

A. Well, that just shows only one vanload.

Q. (By Mr. Walsh.) One what?

A. One vanload, one moving-vanload.

Q. (By Mr. Block.) There were others?

A. There were others.

2202 Mr. Block: All right. What is the number of that last one?

Mr. Swiren: 16.

Mr. Block: Please mark this respondent's exhibit No. 17 for identification.

(The photograph referred to was marked Respondent's exhibit No. 17 for identification.)

Q. (By Mr. Block.) Will you look at this picture, Mr. Anselm, marked Respondent's exhibit 17 for identification, and tell us what that purport's to represent?

A. This picture represents a view of the north side of building 3, and brings out the second floor very prominently.

Q. Is that the condition you found that building in on February the 26th, 1937?

A. Yes, sir.

Q. That is, the outside of the building?

A. From the outside, that is the exact condition, yes, sir.

Q. On February the 17th, before the men occupied the plant, the windows in both of those buildings were in what condition?

A. They were in good condition.

Mr. Block: Mark these next two respondent's exhibits 18 and 19 for identification, please.

(The photographs referred to were marked respectively Respondent's exhibits Nos. 18 and 19 for identification.)

2203 Q. (By Mr. Block.) I will ask you to look at respondent's exhibits 18 and 19 for identification, and tell us what they represent, and what you found there on February the 26th—

A. No. 18—

Q. —with reference to what appears in these pictures?

A. Exhibit No. 18 represents the south view of Building No. 3 and it shows a very large percentage of the windows broken in that building.

And exhibit No. 19 represents a west view of the same building, and also shows the windows broken, and the main door broken down.

Mr. Block: That is all.

Mr. Swiren: We offer these exhibits which have been marked for identification, in evidence.

Mr. Block: Yes.

Mr. Walsh: Would you mind withholding your offer until I have had a chance to examine the witness?

Mr. Block: That is all right; that is what I had in mind.

Mr. Swiren: All right.

Cross-Examination.

Q. (By Mr. Walsh.) Mr. Anselm, in the normal course of your operations there, is there any sulphuric acid used in building 5?

A. No, sir, I am sure that there is not.

2204 Q. Do you normally keep sulphuric acid in these quart containers?

A. We keep it in 8-ounce containers, and quart containers.

Q. And that commodity normally is received by you in tank car shipments, is it not?

A. No, sir.

Q. The sulphuric acid is not?

A. No.

Q. Is that received in carboys?

A. Yes, sir.

Q. Of 5 and 10 gallon capacity?

A. Yes, sir.

Q. Were those bottles, some bottles which you would normally use in the course and conduct of the business, or were those bottles which had been brought in from the outside?

A. The bottles are used in connection with the rectifier which we use.

Q. Oh, I see. But they are not used normally to contain sulphuric acid; is that right?

A. Repeat that.

Trial Examiner Dudley: Read it, please.

(The question was read.)

A. They are, yes, sir.

Q. (By Mr. Walsh.) Oh, they are?

A. Absolutely, that is our shipping container.

2205 Q. Oh, I see. I thought they were used for another purpose.

A. Oh, no.

Q. Now, did you make any test of the contents of those bottles?

A. Oh, yes.

Q. On the 26th?

A. Yes, sir.

Q. What test did you make?

A. Well, we found that it was about 1400-gravity sulphuric acid.

Q. It was?

A. Yes, sir.

Q. Is that what you normally ship?

A. Pardon me?

Q. Do you ship that out normally?

A. Oh, yes.

Q. And those containers of acid should normally have been in your shipping room?

A. Yes.

Q. They are shipped out in that manner?

A. They were normally in the shipping room.

Q. That is what I say.

A. Yes.

Q. Ready for shipment?

A. Yes, sir.

2206 Q. All right. Now, did you see anybody operating the Foamite machine?

A. Yes, sir, I did.

Q. How did you see them?

A. I saw them through the door that the deputies had broken down.

Q. As I understand it, on the 19th of February they broke down the door?

A. Yes, sir.

Q. Of building 6.

A. Yes, sir.

Q. And you saw some persons on the inside there who were armed with this Foamite fire extinguisher?

A. I certainly did.

Q. What were they doing with it?

A. Well, they were squirting it at the deputies, out of the door.

Q. Out of the door?

A. Yes, sir. The deputies were on the west side of the door.

Q. On the west side of the door, outside?

A. Yes, sir.

Q. And the men who were operating the Foamite fire extinguisher, you say, were on the inside, east of the door?

A. Yes, sir.

Q. Playing the Foamite gun on the deputies.

2207 A. Yes, sir.

Q. That is, through what had been the door; is that it?

A. What had been the door, yes.

Q. Later on, was that door replaced, before the men were evicted?

A. No.

Q. It was not?

A. No, sir.

Q. That door remained out, then?

A. I think so.

Q. There was no door in the door jamb, or the frame, or the door sill, or whatever it is until after the building was returned to your possession; is that correct?

A. That is my recollection.

Mr. Walsh: Now, may I see respondent's exhibit 8 for identification, please.

Mr. Block: That would be No. 8 that you have right there.

Mr. Walsh: Oh, yes.

Q. (By Mr. Walsh.) Now, I take it from what you have told us here, Mr. Anselm, that the buildings were in good condition, and that most of the windows were in good condition; that is, the glasses were all intact in the buildings, or generally throughout the factory before the 17th of February.

That is correct, is it?

2208 A. Prior to February 17th?

Q. Yes.

A. Yes, sir, I am quite sure of that, because I had just had all of the glass replaced.

Q. You had?

A. Yes, sir.

Q. Now, I believe that the sheriff or his deputy sheriffs, in their attempt to evict these men on the 19th of February, threw a considerable amount of gas projectiles into the buildings, did they not?

A. I believe that they put in all that they had, yes, sir.

Q. Do you know how much, or how many they had?

A. No, I don't.

Q. You would not know the number of canisters, or bombs, or missiles, or whatever they were?

A. No, sir, I would not.

Q. What did they do; did they open the doors and throw them in?

A. No, sir, I don't think they got that far.

Q. Did they throw them through any of the apertures, in the buildings?

A. I believe they shot them through the holes in the windows.

Q. Well, now, the question comes to my mind, what made the holes; the gas projectiles going in, or the missiles
2209 coming out?

A. Oh, no, the missiles coming out.

Q. It was the missiles coming out, you think?

A. Yes, sir; giving the sheriff an opportunity to put his shells in, without breaking the windows.

Q. Oh, of course, we understand that when you shoot a shell through a whole window, something is going to happen. But, of course, you cannot tell us definitely whether all of the shells went through the holes that had previously been made by the missiles coming out or not, can you?

A. I wouldn't swear to that, no, sir.

Q. You mean, you want to be fair about it, do you not, Mr. Anselm?

A. Certainly.

Q. So some of the gas bombs probably went through window panes, don't you suppose?

A. I didn't see any.

Q. You did not see any?

A. No, sir, I did not.

Q. But you did see the missiles coming out?

A. Yes, sir.

Q. Through the window panes; is that right?

A. Oh, yes, indeed, you couldn't help but see those.

Q. But you do not know how many missiles came out, do you?

2210 A. How many?

Q. Yes.

A. Oh, I didn't count them.

Q. No.

A. That would have been a big job.

Q. I imagine that would have taken sometime; is that right?

A. Yes, indeed.

Q. And you do not know how many, or rather, you could not tell us whether any gas bombs broke any of the windows or not, can you?

A. There might have been a gas bomb broke a window, but I could not tell you positively.

Q. Well, do you mean—if there were one thousand gas bombs, you would not suppose that they all broke one window, would you?

A. There wasn't a thousand gas bombs.

Q. But if some gas bombs broke some windows,—I suppose that would happen, would it not?

A. I didn't see it.

Q. All right. Now, you say that on the 19th of February, acid came out of the buildings, and you say that it was 1400-gravity acid.

A. Yes.

Q. Did you make any tests of that alleged acid?

A. Yes, sir, we did make a test.

2211 Q. Did you?

A. Yes, sir.

Q. Where did you get the material from which you made your test?

A. Out of part of a bottle.

Q. It was in a broken bottle, was it?

A. It was.

Q. A bottle which had been broken—

A. It was in a broken bottle but it checked up all right.

Q. How did you test it?

A. Took it over to the laboratory.

Q. What means did you use?

A. Well, the chemist decides that.

Q. Then, what you are telling us about that is what the chemist told you; is that right?

A. No, sir. I can taste sulphuric acid, and it has a peculiar odor all its own, when it is mixed with a mineral oil.

Q. With mineral oil?

A. Yes, sir. The top of that bottle contained some mineral oil. You put the two together, and it has a peculiar odor very much like the odor of rotten eggs.

2212 Q. I see.

A. (Continuing) You do not make any mistake about it, after you have handled it for about 15 years.

Mr. Swiren: Would counsel like to try it?

Mr. Walsh: Of course I am not a chemist, and neither am I an expert on sulphuric acid.

The Witness: Well, let me demonstrate it for you. I will try not to spill any of this around. Just smell it, and smell the rotten eggs.

Q. (By Mr. Walsh.) The bottle which you have just shown me here, Mr. Anselm: is that the type of bottle that is exhibited here in Respondent's Exhibit No. 13, picturing those 14 bottles?

A. That is the type of bottle, yes, sir.

Q. And was the type of material in those bottles, the same as is in this present bottle here on the table?

A. Yes, sir.

Q. What are the chemicals contained in that bottle?

A. The chemicals contained in that bottle are sulphuric acid diluted with a little water, and then there is an American mineral oil in there, with a few grams of ferro-sulphate. That is exactly what that bottle contains.

Q. What is known as "Special Electrolyte", is that right?

A. Yes, sir.

Q. And that is what was in those 14 bottles?

2213 A. Yes, sir.

Q. Which are represented here in Respondent's Exhibit No. 13 for identification.

A. Yes, sir.

Q. Did you make a test of those, or did you make any examination of them?

A. I did not make any examination of those bottles, no, sir, but I made an examination of the acid that was thrown from the windows.

Q. I see. Now, the articles which have been offered here as Respondent's Exhibits Nos. 10, 11 and 12 respectively, Exhibit 10 for identification being a wire drawing tool; Exhibit 11 for identification being an end-mill, weighing about 4

pounds in your opinion; and Exhibit 12 for identification being an end-mill weighing about a pound and a half; did you see those objects come out of the windows?

A. Those particular ones?

Q. Yes, sir.

A. No, sir, I didn't see those particular ones come out of the windows, but I found them around there.

Q. You found them in the yard?

A. That day, yes, sir.

Q. What led you to believe that they came out of the windows?

A. Because you would normally find them up in the tool crib, in the tool room, on the first floor.

2214 Q. That would be the normal place for them, would it?

A. Yes, sir, that is where they are always kept.

Q. Are these articles that you have here on the table, designated as these three exhibits, usable tools, or are they waste tools, or what?

A. No, sir, they are usable tools.

Q. Those are usable tools?

A. Yes, sir. I would like to have you ask me whether I saw this coming out.

Mr. Swiren: What is that?

Mr. Walsh: Maybe I do not want to ask you.

The Witness: Fair enough.

Mr. Swiren: Referring to Exhibit 10?

Q. (By Mr. Walsh.) Now, at what time on February 26th, did this gas attack of which you have spoken, take place?

A. The time?

Q. Yes.

A. Oh, it started at around about five o'clock in the morning I would say.

Q. And at what time did the men leave the building?

A. Six o'clock or thereabouts.

Q. Somewhere around six o'clock?

A. Yes, sir.

Q. Were you on the plant premises from that time on, until the time you entered the building?

2215 A. No, sir; I returned to the office.

Q. That is outside the fence, is that right?

A. Yes, sir.

Q. Now, what time did you enter either or both of the buildings on that day?

A. Oh, approximately two or three hours after.

Q. It took some little time, I presume to ventilate the buildings, did it?

A. Yes, sir.

Q. After the men left?

A. We had gas masks.

Q. Oh, I see. You went into the buildings with gas masks?

A. Oh, yes.

Q. When you finally did go in?

A. Yes, sir.

Q. Now, you are not able to testify as to whether anybody had preceded you in the building or not, are you?

A. No, I am not.

Q. I believe you stated in your direct testimony that perhaps the deputy sheriffs had gone in there ahead of you?

A. The reason why I said that was because I saw deputy sheriffs enter at the fire-escape, while the battle was going on.

Q. I see. So then there were people inside of the buildings, at sometime there while the men were still there
2216 —or—I will withdraw that.

There were people from the outside who did enter the buildings before you did?

A. Yes.

Q. After the men left; is that right?

A. Limited to deputy sheriffs.

Q. Limited to deputy sheriffs only?

A. Yes, sir.

Q. No person not a deputy sheriff entered the buildings I take it—

A. I don't think so.

Q. (Continuing) —between the time that the men left, and the time you went in there, did they?

A. I don't think so.

Q. Did any other officer of the company get in there before you did?

A. I can't answer that question. I believe the deputy sheriffs were the only people in there.

Q. It is your thought that the deputy sheriffs were the only people in there?

A. Yes, sir.

Q. You do not know whether those men, or the deputy sheriffs, then, placed this fire extinguisher in the window, that is represented by picture No. 15 here, Respondent's Exhibit No. 15 for identification, do you?

2217 A. Well, I don't see any reason why a deputy sheriff should put that fire extinguisher in the window.

Q. Well now—

A. It fits that so nicely there, you see.

Q. I know it does.

A. But I will answer your question directly now, Mr. Walsh. What was it again, please?

Mr. Walsh: The reporter will read it.

(The question was read.)

A. I didn't see it placed there.

Q. (By Mr. Walsh.) Did you see these pictures taken, Mr. Anselm?

A. No.

Q. You were not present when any of them were taken; is that correct?

A. I was not present when they were taken, but we can bring in the photographer.

Q. It is your thought that this truly represents the condition of the building?

A. Oh, yes.

Q. I mean, all I want to know is what the facts are.

A. Oh, yes.

Mr. Walsh: I would not request you to bring the photographer in.

Mr. Swiren: Our advertising representative—

2218 The Witness: Those are the actual conditions.

Mr. Swiren: —right there in the plant, took the pictures that day.

Mr. Walsh: For the purpose of broadsides, were they?

Mr. Swiren: How is that?

The Witness: No.

Mr. Swiren: We thought somebody might inquire sometime, as to what the condition was.

The Witness: Yes, we thought that somebody might inquire about that.

Mr. Walsh: I see.

Q. (By Mr. Walsh.) Now, in picture No. 19 here, your Exhibit No. 19 for identification, I believe it is; you say that the deputy sheriffs broke the door in, attempting to gain admission; is that correct?

A. Yes, sir, you are quite right; the deputy sheriffs broke that door.

Q. When were these pictures taken, if you know Mr. Anselm?

A. They were taken that morning sometime.

Q. Sometime during the morning.

A. Yes, sir.

Q. Of the 26th of February.

A. Yes, sir.

Q. I presume that this picture No. 16, Respondent's Exhibit No. 16 for identification, representing the bedding, 2219 and duffle, and these other things, was taken after you had cleaned up the building?

A. That was probably taken—

Q. That was taken later, was it not?

A. That picture there was taken, I believe, later in the day, on the 26th.

Q. It was?

A. Yes, sir.

Q. I see.

A. I am not making that as a definite statement of fact, however.

Q. It does not make very much difference.

A. I think it was later in the day, of the 26th.

Mr. Walsh: That is all.

The Witness: Are there any more questions?

Mr. Block: Yes.

Redirect Examination.

Q. (By M. Block.) Mr. Anselm, do you know what effect the sulphuric acid that we have been talking about here, would have on clothing, or leather?

A. Well, it does not affect wool, but it eats leather very rapidly.

Q. How about other clothing?

A. Cotton clothing?

A. Yes.

2220 A. Oh, it chews up cotton cloth of any kind quite rapidly.

Q. Now, Respondent's Exhibit 10, which is the wire drawing spool before you: did you see that thrown out of the building?

A. Yes, sir.

Q. Where did it land?

A. Well—

Q. I mean, whereabouts, on the ground.

A. It landed at the feet of a deputy sheriff.

Q. On the Fansteel property?

A. Yes, sir.

Q. And was it picked up there afterwards?

A. I picked it up, yes, sir.

Q. And how many more like it, or of the same kind, came out?

A. Oh, many of those came out.

Mr. Block: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Swiren: May we at this time again offer in evidence Respondent's Exhibits 8 to 19 both inclusive, and ask leave to withdraw exhibits—

Mr. Walsh: 10, 11 and 12?

Mr. Swiren: —10, 11 and 12, substituting photographs thereof, because of their seize and weight?

Mr. Walsh: I object to their being received in evidence on account of their incompetency, irrelevancy and immateriality.

Trial Examiner Dudley: The objection is overruled, and the exhibits will be received in evidence. Exhibits 10, 11 and 12 may be withdrawn, and substituted by photographs thereof.

Mr. Swiren: There is no objection to the substitution, I take it, Mr. Walsh?

Mr. Walsh: No, Mr. Swiren, I have no objection to the substitution.

Mr. Swiren: All right.

(The photographs and articles referred to were received in evidence and marked respectively RESPONDENT'S EXHIBITS NOS. 8 to 19, both inclusive.)

Mr. Block: Mr. Zersen.

EDWARD ZERSEN, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Block.) Will you state your name.

A. Edward Zersen.

Mr. Walsh: I did not get that.

The Witness: Edward Zersen.

Mr. Block: Edward Zersen.

The Witness: Yes, sir.

2222 Q. (By Mr. Block.) Where do you live?

A. Mundelein, Illinois.

Q. That is in Lake County, is it?

A. Yes, sir.

Q. Mr. Zersen, in February of 1937, what was your employment?

A. With the sheriff's office of Lake County.

Q. As a deputy sheriff?

A. Yes, sir.

Q. Are you a deputy sheriff now?

A. Yes, sir.

Q. And you have been for some time?

A. Yes, sir.

Q. That is right, is it?

A. Right.

Q. Did you have occasion to visit the grounds or buildings of the Fansteel Metallurgical Corporation during the period February the 17th to February 26th, 1937?

A. Yes, sir.

Q. Did you see any men in those buildings?

A. Yes, sir.

Q. Were you around there frequently or infrequently during that period of time?

A. All the time.

Q. Mr. Zersen, were you present on the occasion when the sheriff and his deputies attempted to evict the persons
2223 from those buildings, that is, buildings 3 and 5?

A. I was.

Q. During the time that the sheriff and his deputies were making that effort, on the 19th of February—or, first, let me ask: the first attempt was on the 19th of February, was it?

A. Yes, sir.

Q. On that occasion did you see anything thrown, or coming out of the buildings, 3 or 5, on that occasion?

A. Well, I was at the south end of building No. 3, on the south side of building No. 3.

Q. Yes. So that you would know only about which building, then?

A. No. 3.

Q. What, then, if anything do you know about what was thrown or came out of that building?

A. Well, machine stuff, bolts and nuts, and wheels, and some acid in bottles.

Q. All right. Now, do you see any objects of that kind on the table before you here?

A. Yes, sir, that is some of the stuff, some of the things that were thrown out.

Q. The wire drawing spool that is before you here, known as Respondent's Exhibit No. 10—

A. Yes, sir.

2224 Q. —did you see that, or similar spools, come out of the buildings at that time?

A. Yes, sir, I saw a number of those.

Q. Where did that come from; the first floor, the second floor, out of a door or window, or what?

A. From windows on the top floor—on the second floor.

Q. And where were you and the sheriff,—that is, by "you" I mean the deputies, all of the deputies and the sheriff—with reference to that building?

A. Well, we was about—oh, I would say about 50 feet south of the building.

Q. Were there many such articles thrown out, or not?

A. Yes, sir, there was an awful lot.

Q. Through the windows?

A. Through the windows.

Q. In what direction?

A. South.

Q. South.

A. Yes, sir.

Q. And where were you with reference to the building, did you say?

A. I was south of the building, about 50 feet away from the building.

Q. Now, how about the acid.

A. That acid was thrown out of the building, also, 2225 out of the windows.

Q. Did any of that acid which came out of that building, strike you yourself?

A. Yes, sir, it did.

Q. Or any part of your clothing?

A. Yes, it did.

Q. Where?

A. My coat, and also my face and eyes.

Q. Was that from the splashing of the acid?

A. It was from a bottle thrown out of a window.

Q. That hit the ground?

A. When the bottle hit the ground, it broke.

Q. When it hit the ground.

A. Yes.

Q. And then splashed up?

A. Yes.

Q. And some of it went on you?

A. That is right.

Q. Did you see anything at all that was going on at the other building,—I mean so far as missiles were concerned?

A. I did on the second attack, yes.

Q. On the second attack?

A. Yes.

Q. What did you see on that occasion?

A. Bolts, and all that, coming down out of the north-
2226 west corner of the building. I was stationed at that
corner for a while, and the same amount of stuff—or
rather, not the same amount of stuff, but the same kind of
stuff came out of those windows, that came out of the other
ones.

Q. Where did it come from?

A. From the second floor.

Q. Of that building?

A. Yes, sir.

Mr. Block: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) Did you have one of the gas guns
at that time?

A. No, I didn't.

Q. You were armed, I suppose, with your side arm.

A. Yes, sir.

Q. Did you have any stick or ball bat?

A. No, sir.

Q. Were you in uniform?

A. Yes, sir.

Q. I presume you saw gas being thrown into the build-
ing by the men in charge of that particular work, did you?

A. Yes, sir.

Q. How many men were in charge of putting gas into the
building, or into the buildings?

A. Oh, I couldn't say just how many.

2227 Q. Were there a number?

A. There was, yes, sir.

Q. And in what manner did they put the gas in; how did they put the gas into the buildings?

A. Well, some of it was in hand grenades, and some of it was shot in by gun.

Q. You are referring to the 17th, now, are you?

A. No.

Mr. Swiren: The 19th.

Q. (By Mr. Walsh.) The 19th.

A. Yes.

Q. The first attack.

A. Yes, sir. That was with the hand bombs, and also a few of the guns.

Q. I see. And those were thrown through the windows, were they?

A. What is that?

Q. I say, were they thrown through the windows?

A. Yes, sir.

Q. Did the gas bombs or missiles, break the windows that they went through?

A. Well, most of the windows were broke at that time.

Q. Most of the windows were already broken?

A. Yes, sir.

Q. That is your recollection, is it?

A. Yes, sir.

2228 Q. For about how long a time did the gas attack last?

A. Oh, I couldn't definitely state that.

Q. Approximately?

A. I imagine about an hour or so.

Q. About an hour or so?

A. Yes, sir.

Q. Do you know how much gas was used?

A. No, I don't.

Q. You do not know the number of projectiles, or hand grenades, that went into the building, do you?

A. No, sir.

Q. Did you see any gas bombs break any of the windows?

A. Yes, I believe I did.

Q. You did?

A. I believe so.

Q. Do you know how many it was?

A. No, I don't.

Q. You could not tell us that?

A. No.

Q. At that time did they use the automatic gas guns—

A. No.

Q. —as well as the hand grenades?

A. No, sir.

Q. That was on the second attack, was it?

A. Yes, sir.

2229 Q. On the occasion of the second attack, they shot the projectiles into the building with guns; is that right?

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Block: That is all.

Mr. Walsh: Oh, pardon me; there is just another question or two, if the Examiner please.

Q. (By Mr. Walsh.) I take it you were treated for the burns which you say you received, sheriff?

A. Yes, sir.

Q. Who treated you?

A. Dr. Budde, of North Chicago.

Q. (By Mr. Block.) Who?

A. Dr. Budde, of North Chicago.

Mr. Swiren: Treated him for acid burns.

Q. (By Mr. Block.) Mr. Zersen, do you know whether—oh, pardon me. Were you through?

Mr. Walsh: That is all right. Go ahead.

Mr. Block: No, you go ahead. I thought you were through. I did not mean to interrupt.

Mr. Walsh: I was just thinking of something to ask him.

Mr. Block: Take your time. I was looking at something here and I thought you were through.

Q. (By Mr. Walsh.) Sheriff, did you see the bottle come out of the window, that contained the acid which you
2230 say struck you?

A. No, sir, I didn't see it come out, or I wouldn't have been standing there.

Q. Well now, were there any—I will withdraw that.

A. Pardon me?

Mr. Walsh: That is all.

Mr. Block: Are you through?

Mr. Walsh: That is all.

Mr. Block: Just a question or two.

Redirect Examination.

Q. (By Mr. Block.) Mr. Zersen, do you happen to know whether it is a fact that after the first gas shell was thrown into the building, the men started to break all of the windows in the building?

A. Well—

Q. If you do not know, just say so, but if you do know, I want to check up something here that has been talked about.

The Witness: Will you repeat that?

Mr. Block: Pardon me?

The Witness: Will you ask the question again.

Trial Examiner Dudley: The reporter will read it.

(The question was read.)

Q. (By Mr. Block.) (Continuing.) Is that how the windows happened to be broken?

A. Well, most of those windows were broken before 2231 the gas was thrown in there.

Q. I see. Well, how did they happen to be broken?

A. Well, because of these here wheels, and bolts and nuts, that was thrown through the windows.

Q. And then afterwards, were any of the windows barricaded?

A. There were some, yes, sir.

Mr. Block: That is all.

The Witness: Is that all with me?

Mr. Walsh: Just a moment further, please.

Recross Examination.

Q. (By Mr. Walsh.) I believe that some of those gas hand grenades were thrown back out, were they not, by the men?

A. Yes, sir.

Q. Did you see that?

A. I saw a few.

Q. And the gas became pretty thick on the outside there, did it not?

A. Well, not the first time, no, sir.

Q. Not the first time?

A. No.

Q. That is, some of them did not get into the building, even, did they?

A. Some of the shells?

Q. Yes, some that were thrown in by the sheriff's forces?

A. Oh, no; I believe that there was a few of them
2232 that missed.

Q. And the gas came back on you men, did it not?

A. Yes, sir.

Q. That is, the sheriff and his men?

A. Yes, sir.

Q. Then it is your recollection that the men hurled bolts, nuts, wheels and other things, out of the windows, before the sheriff actually attacked the building; is that right?

A. Well, it was both.

Q. How?

A. There was some of the windows broken before, but most of them were broken after the gas was put in.

Q. I believe there has been some testimony here to the effect that some of the windows were broken to permit the gas to escape.

A. No doubt there was.

Q. From the far side of the building.

A. Absolutely.

Q. But do you recall whether the bolts, and missiles, and others things that came out of the building, came out before the sheriff attempted to get in, or not?

A. On this particular building, No. 3 where I was standing—I don't know about the others—those were taken and throwed out of there before the gas was put in.

Q. Before the gas was put in?

2233 A. Yes, sir, in No. 3.

Q. I see.

A. I was standing out there.

Q. Well, if there had been gas put into the other side of building 3, you would not have known that, would you?

A. Well, no, I wouldn't.

Q. That is, I mean—

A. Not outside of hearing the glass breaking on that side, that is.

Q. Well, you do not know whether the windows were broken out on your side of building No. 3, in order to let the gas escape that had been put in from the other side of the building, do you?

A. No, I wouldn't.

Q. You would not know that?

A. No, sir.

Q. But you say that the missiles came out of the windows before you fellows on that side of the building, started putting the gas in; is that right?

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Swiren: Just a moment. Was there an answer to that last question?

The Witness: I said: Yes.

Mr. Block: Just another question, please.

Q. (By Mr. Block.) Sheriff, you say you were struck by some of the acid that was thrown?

A. Yes, sir.

Q. Do you know any other deputies, or anybody else who was on the premises there, who was also struck by any of the acid?

A. Yes, sir.

Q. Or splashed with acid?

A. Yes, sir—well, not from this particular splash that I received, no.

Q. No, not from that particular splash.

A. No.

Q. But struck by any acid that came out of the building.

A. Yes, sir.

Q. On either of those occasions.

A. Yes, sir.

Q. Can you name any of them for the record?

A. Robert Webb.

Q. Robert Webb?

A. Yes.

Q. Who is Robert Webb?

A. Robert Webb is another deputy sheriff, employed by the sheriff.

Q. At that time?

2235 A. Yes, sir.

Q. And he was there for what purpose?

A. Well, to guard the buildings, the same as we were.

Q. He was there in the capacity of a deputy sheriff?

A. Yes, sir.

Q. Who else?

A. Frank Kazlauskys.

Q. Frank Kazlauskys.

A. Yes, sir.

Q. Was he a deputy sheriff at that time?

A. Yes, sir.

Q. Anybody else?

A. Well, that is all I can recall of.

Q. Do you know whether—how about Donald Dwyer?

A. Oh, yes, Donald Dwyer.

Q. Was he one of the men who were also struck by acid?

A. Yes, sir.

Q. And he was a deputy sheriff there at that time, is that correct?

A. Yes, sir.

2236 Q. Now, were any of the men, were any of the deputy sheriffs struck by any of these missiles that came out of the windows?

A. Yes, sir, there was one; John Froelich.

Q. John Froelich?

A. Yes, sir.

Q. A deputy sheriff?

A. Yes, sir.

Q. And he was struck on the occasion of February 26th, was he?

A. Yes, sir.

Q. Was he injured, or not?

A. Well, he was struck on the side of the head.

Q. Was he taken to a doctor?

A. Yes, sir.

Q. And received medical attention immediately; is that right?

A. Yes, sir.

Q. Where did that come from, that missile that hit him, if you know?

A. It came from building 3.

Mr. Block: That is all.

The Witness: Is that all with me?

Mr. Block: I think Mr. Walsh may have something.

Mr. Walsh: No.

The Witness: Is that all, your Honor?

2237 Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Block: Frank Valenta.

FRANK VALENTA called as a witness on behalf of the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Block.) You may state your full name, please.

A. Frank Valenta.

Q. Where do you live?

A. Ingleside, Illinois.

Q. Is that in Lake County?

A. Yes, sir.

Q. How long have you lived in Lake County, Illinois, Mr. Valenta?

A. About 15 years.

Q. In February of 1937 were you connected with the office of the sheriff of Lake County, Illinois?

A. I was.

Q. In what capacity?

A. Deputy sheriff.

Q. How long have you been a deputy sheriff in this county, at different times?

A. Oh, over a period of close to seven years now.

Q. Did you have occasion to go to the Fansteel buildings, or the plant, during the period from February the 17th 2238 to February the 26th, 1937?

A. I did.

Q. Were you there on the occasion of February the 19th when the sheriff and his deputies were attempting to enter the buildings?

A. I was.

Q. On that occasion, did you see anything come out of buildings 3 and 5?

A. Yes, I did.

Q. Will you describe to the Trial Examiner what you saw, and where it came from?

A. Well, there was different pieces of metal, aluminum wheels, and drills, reamers, bolts, and a couple of end wrenches, that come out of several windows of both buildings; and also bottles of acid, two bottles of rate metals; and fire crackers.

Q. (By Mr. Walsh.) What was that last?

A. Pardon me?

Q. What was that last?

A. Firecrackers.

Q. Firecrackers?

A. Yes, sir.

Q. (By Mr. Block.) Mr. Valenta, did you see the throwing of the tantalum, or the rare metals there yourself?

A. Yes, sir, I did.

2239 Q. What kind of a container were they in?

A. They were in bottles.

Q. In bottles?

A. Yes, sir.

Q. What building did they come from?

A. Building 3.

Q. Did you hear anybody in the buildings, any of the men in the buildings, say anything at the time that was thrown?

A. Yes, sir, the man that threw one bottle of rare metal hollered, "Look out! Here is"—or, he says, "here is a thousand dollars' worth of rare metals" or "here goes a thousand dollars' worth of rare metals."

Q. "Here goes a thousand dollars' worth of rare metals"?

A. Yes, sir, and with that he threw it.

Q. Where did that come from?

A. Well, that was about the third window from the east end of building 5, on the south side of the building.

Q. On which occasion?

A. That was on the first occasion, the first time, which was on February the 19th.

Q. February 19th, that was.

A. Yes, sir.

Q. Were any of the men struck by the acid, or the missiles which you have described?

A. Yes, sir, there were several of the men struck.

2240 Q. Several of the deputy sheriffs?

A. Yes, sir, including myself.

Q. Including yourself.

A. Yes, sir.

Q. Mr. Valenta, were any of the buildings,—or rather, were any of the windows in buildings 3 and 5, broken?

A. Yes, sir.

Q. Can you tell us how those windows happened to be broken?

A. On the morning of the 19th, when we attempted to gain entrance to building 6, which is immediately—

Q. Back?

A. —back, west of building 5, we broke a door in, in this building six.

Q. Was the door barricaded on the inside?

A. The door was barricaded from the inside, yes, sir, and it was necessary to take and smash the door down; and as soon as we got a hole smashed through the door, why, this Foamite started coming out. They had a tank of Foamite in there, used for fire protection, and this Foamite started coming through the door; they were shooting it through the door at us. One of the deputies, Harry Quant, then threw a gas bomb in there, and immediately the gas bomb exploded, why, the window in building 5, on the top of the second floor, was broken out, that is, the casing of the window, or the frame, or whatever you call it; the sash was broken 2241 out; and with that simultaneously several windows were broken in building 5, and the same thing occurred over in building 3 when we went over there. In fact several of those windows were broken before we ever went over there, to try to gain entrance.

Q. Well, were those windows, then, broken from the inside, or from the outside?

A. They were all broken from the inside.

Q. By the way, Mr. Valenta, could you see at any time; could you actually see at any time, some of the men breaking the windows?

A. Yes, sir; yes, indeed. In fact, they used iron bars, and hammers—well, iron bars, hammers, and pieces of pipe, and whatever was handy, to break the glass out.

Q. You saw that, did you?

A. Yes, I did.

Q. That they were breaking them from the inside?

A. Yes, sir.

Q. And these various pools and different articles which you have described, that you saw thrown; they came from the inside of the building, did they?

A. They came from the inside of the building, yes, sir.

Q. Mr. Valenta, were you in regulation uniform at that time?

A. Yes, sir.

Q. You had a deputy sheriff's or police officer's uniform?

A. Yes, sir.

2242 Q. And were the others of your companions there, in the same type of uniform?

A. Yes, sir.

Q. Was it daylight on that occasion?

A. Yes, sir, it was daylight on that occasion.

Q. On February the 19th.

A. Yes, sir, it was.

Q. I presume you heard some conversation between the men in the buildings, and those on the outside, did you?

A. Why, I wouldn't exactly call it conversation; they were cussing us out, and calling us all kinds of names; using profane language, and everything.

Q. And this was on the occasion when the sheriff and his deputy sheriffs, at the direction of the sheriff, were attempting to evict those men from those particular buildings; is that right?

A. Yes, sir.

Mr. Block: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) Are you married, Mr. Valenta?

A. I am.

Q. Do you have a daughter?

A. I have.

Q. Is her name Betty?

A. Yes, sir.

2243 Q. Does she work for Fansteel?

A. She does.

Q. Has she ever talked to you about this matter?

A. No.

Q. She has not?

A. No.

Q. When did she start to work there?

A. Why, I asked to get her a job there.

Q. After the trouble was over?

A. Yes, sir, after the trouble was over.

Q. What does she do down there?

A. Why, I really don't know just what she does. She grinds face, a face grinder, is what she is there, although I don't know exactly what she does.

Q. You do not know whose face she grinds?

A. I don't know whose face she grinds, or what she grinds, no, sir.

Q. Well, I expect she probably works in the contact department, grinding faces, does she not?

A. It is in the contact department, yes, sir; that is where she works. But I couldn't answer exactly as to what she is doing, because I never went down there to see what she was doing.

Q. I see. I believe she became secretary of the rare 2244 metal works union there, did she not?

A. Well, not to my knowledge, no, sir. There was a discussion about that, and it seems this secretary thing was just a temporary matter.

Q. Oh, is that right?

A. Yes, sir. As I understand it from her, there is some other gentleman who is secretary.

Mr. Block: If the Examiner please, may we interpose an objection to this line of examination? I think counsel is getting into a field of speculation here.

Mr. Walsh: Well, now—

Mr. Block: And furthermore, it is not strictly cross-examination, or even closely so.

Mr. Walsh: Well, I think the witness wants to state the facts.

Mr. Block: I thought perhaps you wanted to follow the same procedure with this witness, that we did with some of the others. If you want to go into another field, why not do the same with this witness that was done before?

Mr. Walsh: Well, I do not want to interrupt your orderly procedure; I do not want to do that, of course. I thought perhaps a few questions along this line would not be objectionable, and I thought that the witness might not want to come back.

Mr. Block: If you can just as well recall him for 2244 that purpose, we will ask you to do that.

Mr. Walsh: All right.

Q. (By Mr. Walsh.) Now, Mr. Valenta, I believe you stated that after you broke down the door in building 6, and threw a bomb in there, the boys had a Foamite machine there, squirting at you through the door?

A. Yes, sir.

Q. And that immediately upon the bomb exploding, or upon the explosion of the bomb, the window was broken,—or a window was broken out in building 5?

A. A window was broken out in building 5, on the second floor, directly opposite us.

Q. I see.

A. That is, facing us. It was almost in a direct line, al-

though it was on the second floor, with this door which was being broken down.

Q. I see. That is, going right on through into the building, this window which was broken out, in building 5, would have been right above?

A. Yes, sir, and right through that window they were starting to shoot some more with a hose,—and doing something else—I don't know what that stuff was.

Q. Which is the door that was broken down there? Is this it? (Indicating.)

A. Well, let me see a minute.

2246 Q. As shown in the picture here?

A. It shows the—well, now, I don't know whether it is this door or not. I imagine it is, though, yes. No, I think it is this other door here.

Mr. Walsh: Indicating the door at the extreme left side of the picture, in building 6.

The Witness: Yes, I think so; and here (indicating) is the window that was broken out, this window right here.

Q. (By Mr. Walsh.) Indicating the window appearing on the second floor—

A. Yes.

Q. On the extreme right of building 5?

A. Yes.

Q. As you face the picture.

A. That is right.

Mr. Swiren: That is exhibit 8, is it not?

Mr. Walsh: Exhibit 8.

The Witness: Yes.

Q. (By Mr. Walsh.) I believe that is covered over with some substance now, is it not?

A. That is covered with some wallboard, or something, yes.

Q. I see.

A. It is nailed up, or something of the sort.

Q. Did missiles come out of that building, prior to the explosion of the bomb?

2247 A. Prior to the explosion of the bomb, yes, sir.

Q. There were?

A. Oh, yes.

Q. Do you recall, Sheriff, how many gas bombs, or grenades, or whatever you call them, were used in the attack of February the 19th?

A. Well, I couldn't recall exactly, no, sir. I have no idea

how many there were. However, it wasn't very many, because we didn't have such a large supply at the office.

Q. Just approximately?

A. Well, offhanded, I would say that we had possibly 30.

Q. Approximately 30?

A. Yes, sir, 30 gas bombs.

Q. And it is your recollection that that was all, is it?

A. Yes, sir, and a lot of them were duds, too. As a matter of fact—

Q. And were they thrown in through the windows of the plant?

A. Yes.

Q. Did they break the windows?

A. Why, it wasn't necessary to break the windows, because they had already been broken.

Q. They had broken the windows, first?

A. Yes, sir.

Q. It is your recollection that they broke the windows first, is that right?

2248 A. Yes, sir.

Q. And then all you did was to throw the bombs in, after they broke them?

A. Yes, sure. Of course, there may have been one or two windows broken, too, due to some of these other—due to somebody's poor aim in throwing those things, but, of course, dodging the missiles at the same time you are trying to throw a bomb in there, why, you might probably break a window; but most of the windows were busted from the inside.

Q. I see. What time of the day did this happen?

A. Well—

Q. That is, this first gas attack?

A. I don't know exactly what time of the day that was. It was daylight, anyhow; it was broad daylight.

Q. In the morning, was it?

A. Yes, sir.

Q. Now, this man who said, "Here goes a thousand dollars worth of rare metals" and threw something: did you see that come out?

A. Yes, sir, I did. I was standing directly opposite here. In fact, I don't know what was in the bottle. The metal was pouring out, and I thought it was some kind of high-pressure acid, or something, and I commenced to move back.

Q. And then did you later discover what it was that came out of the bottle?

2250 A. Yes, I did.

Q. What was it?

A. Why, it was tungsten; that is what one of the other deputies told me, Mr. Aitchison, who had permanently been employed at the Fansteel Company some years ago.

Q. I see.

A. He just happened to be acquainted with the contents of it, points, or whatever they were.

Q. Was that in the form of powder?

A. No, no, it was like small disks.

Mr. Walsh: I see. That is all.

Mr. Block: That is all.

Trial Examiner Delaney: You are excused.

(Witness excused.)

Mr. Keele: If the Examiner please, may I inquire at this time, how late the Board is going to work this evening? We have a witness at the Court House, and we do not want to call him unless we can finish with him?

Trial Examiner Dudley: I think we can work for awhile yet.

Mr. Block: May we have a short recess at this time, then?

Trial Examiner Dudley: Certainly, I will announce a short recess.

(A short recess was taken.)

2250 Trial Examiner Dudley: The hearing will reconvene.

Are you ready to proceed, counsel?

Mr. Keele: Albert Groll.

ALBERT GROLL, called as a witness for the respondent, having been first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) You may state your full name?

A. Albert Groll.

Trial Examiner Dudley: Albert Groll?

The Witness: Yes, sir.

Mr. Walsh: If the Examiner please, may I make the same arrangement, as to these witnesses, that I will confine my cross-examination to the examination in chief and recall them later, if I desire to do so?

Mr. Block: If you want them, you may recall them.

Q. (By Mr. Keele.) What is your address?

A. 907 West Moreland, Waukegan, Illinois.

Q. You are employed by the Fansteel Company?

A. Yes, sir.

Q. And have been for sometime?

A. Seven months past.

Q. During that time you have been a foreman in the Tool Department, is that correct, is that correct?

A. Yes, sir.

Q. You were there at the plant on February 17th, 1937, were you?

2251 A. Yes, sir.

Q. Directing your attention to the hour of about 2:00 o'clock or 2:30 o'clock in the afternoon of that day, will you tell us what occurred in the Tool Room that you know of, of your own knowledge?

A. I was down in building 6, just about 2:30, and one of the boys came up and says, "You had better go up to your department." I went up into the department, and the power was shut off, and everybody was sitting down. I asked them what was the matter, and they all sat there and laughed at me.

Mr. Swanson come up and told me that I would have to get out, and he says, "You might as well get out peaceably." So I put on my hat and coat and went downstairs, and stood out there in the back, on the west side of building 3.

Q. Did you have any other conversation with anyone up there in the tool room at that time?

A. Pardon me?

Q. Did you have any other conversation with anybody else up in the tool room there at that time?

A. No, that is all that was said.

Q. I see.

A. He just says, "You might as well get out peaceably."

Q. How is that?

A. He told me—he says, "You will have to go out, so you might as well get out peaceably." I says, "Why, sure, 2252 I won't start any trouble with you."

Q. What did Carl Swanson do then?

A. He stood there and waited until I got out, and when I went out, he followed me down through the Contact Department.

Q. And then what?

A. And then he went back there talking to Mr. Chiswell, and I stood there for a few moments, and when he came down there, he had a lot of pipe in his hands.

Q. Yes.

A. And what was going on inside, after I went out, I don't know.

Q. What did he say, or do, when he came down with the pipe in his hands?

A. He didn't say anything to me.

Mr. Keele: That is all.

Mr. Walsh: No cross-examination.

Mr. Keele: That is all, Mr. Groll.

(Witness excused.)

Mr. Keele: Chester Hook.

CHESTER HOOK, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) State your full name, please?

A. Chester Hook.

Q. Where do you live, Chester?

2253 A. What?

Q. Where do you live?

A. 417 Fourth, Waukegan.

Trial Examiner Dudley: What address?

The Witness: 417 Fourth, Waukegan.

Q. (By Mr. Keele.) You are employed by the Fansteel Company?

A. Yes, sir.

Q. How long have you been employed there?

A. About two years and three months.

Q. Were you at the plant of the Fansteel Company on the afternoon of February the 17th, 1937?

A. I was.

Q. Tell us just briefly what—let me withdraw that question.

Were you one of the men who seized the plant, and held it?

A. Yes, sir.

Q. From February 17th to February 26th?

A. Yes, sir.

Q. You went in with the men when they went in on February 17th, about 2:00 o'clock, or 2:30 o'clock in the afternoon, is that correct?

A. Yes, sir.

Q. What building were you in?

A. Well, at 2:30 I was out in the Chemical Building,—I don't know what number it is; the Wood building.

Q. And what happened then?

A. Well—

Q. Just tell us briefly.

A. Well, I was told to go up into the tool room, and I did not ask why; I just went; and when I got there the power was shut off, and they told us—they told me to stick around.

Q. All right. Who told you that?

A. Why, I don't know who it was. They was all standing around there.

Q. All right. Now, then, I believe you went from Building 3 to Building 5, did you?

A. Yes, sir.

Q. And then back to Building 3?

A. Yes, sir.

Q. How did that happen?

A. Why, I left Building 3.

Q. Yes. Just go ahead and tell us about it, briefly.

A. I went to get my jacket, and I went over to building 5, and I stayed.

Q. All right. Did anybody escort you when you went from one building to the other?

A. Yes.

Q. Who was it?

A. I don't know; I forget.

2255 Q. Do you not recall who it was?

A. I forget.

Q. All right.

A. It was a couple of them.

Q. Was anything said to you, as to why they were escorting you there?

A. No.

Q. All right. Now, then, you were there on the morning of the 19th of February, were you not, when the sheriff came there?

A. Yes, sir.

Q. And attempted to gain entrance?

A. Yes, sir.

Q. You were then in building 5?

A. Yes, sir.

Q. And building 6, which adjoins building 5; is that correct?

A. Yes, sir.

Q. Tell us what happened there at that time?

A. That was at the gas attack?

Q. Yes.

A. Well, that was pretty dark at the time, and there were about a hundred deputies out there in back, and they got a battering ram down and started to break the door down.

Well, there was a Foamite gun there, so Bill Warner 2256 and I got that going, and we squirted it; we turned on the nozzle, and we squirted the deputies, and then they knocked the door in.

Q. By "Bill Warner" you mean Charles Warner, do you not?

A. Yes, sir.

Q. And what did you do then? How long did you continue to squirt Foamite through the door at the deputies?

A. Oh, it couldn't have been more than about three minutes until the Foamite went down.

Q. You mean, when the tank was exhausted?

A. Yes, sir.

Q. That was about a 40-gallon tank on wheels, is that correct?

A. Yes, sir.

Q. In building 6?

A. Yes, sir.

Q. Then, what did you do?

A. We run up to the second floor, and when we got to the second floor, a bomb came in and we left and went the third floor, and stayed there.

Q. All right. Now, when the gas came into the building, the men smashed out a lot of windows, did they not?

A. Yes, sir.

Q. With iron pipes, or hammers, or whatever they could get hold of?

A. Yes.

2257 Q. They just ran along and smashed the windows out; that is correct, is it not?

A. Yes, sir.

Q. That is, the men in the building?

A. Yes, sir.

Q. All right. Was anything thrown out of the buildings at that time?

A. Well, I guess there was.

Q. Were there a number of the men, a small number, only one or two men, doing that, or were they all pretty well engaged in doing it?

A. All of them. I was pretty busy myself. I believe everybody threw something out, although I couldn't tell very well.

Q. You threw somethings yourself, did you not?

A. Yes, sir.

Q. What did the men throw? What were they throwing out of the windows?

A. Well, I couldn't just say, but I noticed on the ground the next morning there was spools down there, and one thing another; stuff laying around.

Q. Tools?

A. No, not from that building.

Q. Not from that building.

A. No.

2258 Q. Were there any pieces of iron, pieces of scrap, or anything like that?

A. Well, the spools are made of iron, I guess.

Q. Those are the spools, the spools that you refer to, are made of metal?

A. Yes.

Q. And are approximately 5 or 6 inches across, in diameter, are they?

A. Yes, sir.

2259 Q. And weigh probably a pound and a half, or two pounds apiece?

A. Yes, sir.

Q. Now, you left the building at the end of about five days, did you not?

A. Yes, sir.

Q. Or around February the 22nd?

A. Yes.

Q. So you were not there at the time of the second attack, the time the second attack was made on February the 26th, were you?

A. No, sir.

Q. Were the doors locked or barricaded from within, during the time that you were in the buildings?

A. Yes, sir.

Q. How were they locked or barricaded?

A. Well, the large door in building 6 had—it is a sliding door, and it had a bar there, with a two-by-four behind it; and the small door in building 6 had a couple of planks nailed across it; and the rest were just—they were all about the same, just so that they couldn't be opened.

Q. You knew that the sheriff was trying to get you out, did you not?

A. Yes, sir.

Q. Out of the buildings.

2260 A. Yes, sir.

Q. The men all knew that, did they not?

A. Yes, sir.

Q. They discussed it, did they not?

A. Yes.

Q. And did the men in there know anything about the injunction that had been issued on the 18th?

A. Yes.

Mr. Walsh: Just a moment. That is objected to, unless the proper foundation for it be laid.

Q. (By Mr. Keele.) Well, was there any—

Trial Examiner Dudley: Oh, I will overrule the objection, to save time.

Q. (By Mr. Keele.) Was there any discussion among the men there, as to whether or not an injunction had been issued, and if so, what it provided?

A. Well, they all understood it, and they said, "We're going to stick."

Mr. Keele: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) How old are you, Chester?

A. 20.

Q. What is your job over there?

A. Well, sort of a machinist, and welder, doing maintenance work.

2261 Q. Were you working in any particular department?

A. Am I?

Q. Were you then?

A. Yes, in the tool room.

Q. In the tool room?

A. But I wasn't in the tool room at the time.

Q. You were over doing a job in the Chemical Building, is that correct?

A. Yes, sir.

Q. When this trouble broke out.

A. Yes, sir.

Q. You have since gone back to work, have you, Chester?

A. I have.

Q. What wages did you draw before the trouble broke out?

A. Before the time of the strike?

Q. Yes.

A. 55 cents per hour.

Q. 55 cents per hour.

A. Yes, sir.

Q. That was before the strike.

A. Yes, sir.

Q. How much are you getting now?

A. 65.

Q. So that you have had a 10 cent raise since that time; is that correct?

2262 A. Well, no, sir. I was making 60 cents an hour, at the time.

Q. You have had a 5 cent raise, since that time, then, is that correct?

A. Yes, sir. I have gotten a raise every six months.

Q. Now, you and Bill Warner took care of the Foamite gun; is that right?

A. Yes, sir.

Q. I suppose it was pretty exciting around there at that time, was it not?

A. Where we were?

Q. Yes.

A. Oh, there was just the two of us there.

Q. Just the two of you.

A. Yes, sir.

Q. After the door had been broken down, and the tank ran out, what did you do then?

A. We left for the second floor.

Q. Left for the second floor.

A. Yes, sir.

Q. And when you got up there on the second floor, were there any windows broken out?

A. No, sir, just the one that the bomb came through.

Q. Just the one that the bomb came through?

2263 A. Yes, sir, and then we left right away, because we didn't know what tear gas was, and we didn't want to play around with it.

Q. You did not want to play around there?

A. No, sir.

Q. So you went up to the third floor; is that right?

A. Yes, sir.

Q. And then when you got up to the third floor, were there any windows broken out there?

A. I don't know if there was at the time or not.

Q. Now, after they had thrown in a lot of gas, the fellows broke the windows out, to air the place out, did they not?

A. Yes.

Q. Or to get the gas out?

A. Yes.

Q. And that is when they went along, as you told Mr. Keele, with iron bars, and things, and broke the windows out; is that right?

A. Yes, sir.

Q. Now, how about the—did you help in throwing things out of the windows yourself?

A. Yes, sir, I did; I threw four lead nuts.

Q. Four lead nuts.

A. Yes, sir, about an inch in diameter.

Q. Were the windows from which you threw those four lead nuts, broken out, before you threw them?

2264 A. No.

Q. You threw them through the whole window, is that right?

A. Yes, sir.

Q. And whom did you throw them at?

A. Well, I couldn't say anybody in particular. I couldn't even say—I don't know if they went through the window or not, but I think they did.

Q. And for what purpose did you throw them?

A. Well, I wanted—I wouldn't say, for any certain reason. I don't know; just to do something.

Q. You did not aim them; you did not aim the nuts, the lead nuts, to hit the deputies, did you?

A. Well, I don't know if that was my idea at the time or not. We were in there, and—

Q. And you wanted air, did you?

A. Yes, sir.

Q. So in order to get air, you threw the nuts out of the window; is that right?

A. Yes, sir.

Q. So your purpose in throwing the nuts, was not to hit a deputy, so much as it was to break the windows, so that you could get air, was it not?

A. Well, I didn't want to hit anybody, but—well, I didn't think about if I wanted to hit them or not.

Q. You mean, you did not intend to hit anybody?

2265 A. Well—

Q. You wanted air?

A. It wasn't my purpose exactly, but I don't know at the time if I cared about hitting them or not, to tell you the truth.

Q. You did not like them very well; is that right?

A. Well, no, but I was in there—

Q. You were not a defendant in the contempt proceeding, were you?

A. How is that?

Q. You were not a defendant with the rest of the boys over here in court, were you?

A. I was over there.

Mr. Swiren: I think he was.

Q. (By Mr. Walsh.) You were up there?

A. Yes, sir.

Q. You have not been sentenced, or anything, have you?

A. No, sir.

Q. And you are working for the company now.

A. Yes, sir.

Q. When did you go back to work?

A. I went back the Thursday following the day of the opening I don't know what date it was.

Q. On the Thursday following the date of the opening?

A. Yes, sir.

2266 Q. Did you get paid for any of the time while you were staying in the plant?

A. Yes, sir; I believe they all did.

Q. How much did you draw for the time while you stayed in the plant?

A. Oh, I don't know.

Q. Oh, approximately.

A. 60 cents per hour, 8 hours per day.

Q. For how many days?

A. 40 hours a week.

Q. Then you did not lose any pay for the time that the plant was tied up, did you?

A. No, sir; just the—the only time I lost was after they opened the plant, and I didn't go back.

Q. On the Thursday following the plant reopening, is when you came back?

A. Yes, sir.

Q. Now, at the time the trouble broke out, you were a member of Lodge 66, were you not?

A. Yes, sir.

Q. And I suppose you never have resigned from Lodge 66, have you?

A. Well, I guess I have, because I went back to work.

Q. Well, I mean—

A. I guess so.

2267 Q. I mean, they have never sent you any notice of any kind, have they?

A. No, sir, but they did quit sending us the paper. We used to get that.

Q. Do you know whether the other members are getting that paper now or not?

A. I don't know.

Mr. Walsh: All right. That is all.

Mr. Keele: Just a moment, Mr. Hock. There are one or two further questions.

Redirect Examination.

Q. (By Mr. Keele) When you threw those nuts out of the window, did you throw them out to break the window so that you might get some air, or did you throw them out in an effort to keep the deputies away?

A. Well, as I told you before, I think at the time I wanted to do both.

Q. If you had wanted to break the windows, you could have picked up a hammer, or a piece of scrap, or something or other which was handy, could you not?

A. I did that, too; I threw other things.

Q. You did both?

A. Yes, sir.

Q. In other words, you found that the lead nuts were not very effective in assisting you to clear the air; is that right?

2268 A. Yes, sir. They made too small a hole.

Q. And your real object was to keep the sheriff away, was it not?

A. Yes.

Q. Or to keep the deputies from coming in; that is right, is it not?

Mr. Walsh: That is objected to.

A. Yes.

Q. (By Mr. Keele) How?

A. I guess so.

Q. Who was in charge of that building?

A. Bill Warner.

Q. Who gave orders in there?

A. What orders were given, were given by Bill Warner.

Q. I see. Now, was there any discussion at the time the deputies came there, as to what should be done by the men; whether they should be kept out, or what; or did they say, "Now, throw, boys, but don't aim at the men" or anything like that?

A. Well, I guess everybody understood what to do, because we were all in the same boat, and didn't have very much time.

Q. Was there any discussion about it?

A. No, sir; it all happened very quick.

Q. Everybody just threw?

2269 A. I guess they did.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may step aside.

(Witness excused.)

Mr. Keele: Milton Sladek.

MILTON SLADEK, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele) Please state your full name.

A. Milton Sladek.

Q. Where do you live?

A. What is that?

Q. Where do you live?

A. 1923 Commonwealth Avenue, North Chicago, Illinois.

Q. You are employed by the Fansteel Company, are you?

A. Yes, sir.

Q. Are you working there at the present time?

A. Yes, sir.

Q. How long have you worked for them?

A. About two years.

Q. You were there on the day of February the 17th, 1937, were you?

A. I was.

Q. You were one of the men who seized and held
2270 buildings 3 and 5, were you not?

A. Yes, sir.

Q. You were in there the entire time, were you?

A. I was.

Q. Which building were you in; 5?

A. No. 5.

Q. Who was the boss in that building?

A. How is that?

Q. Who was in charge of that building?

A. Bill Warner.

Q. On the morning of the 19th of February, you were
there when the deputies came down there with the sheriff,
were you?

A. Yes, sir.

Q. And attempted to get into the buildings?

A. I was.

Q. Now, will you just go ahead and tell us what occurred
there.

A. Well, we seen all of those deputies out there early in
the morning, and they all had bats, or clubs; and they was
trying to get in, so we tried to keep them out.

Q. What did you do, to try to keep them out?

A. Well, I squirted water at them.

Q. From a fire hose?

A. Yes, sir.

Q. Who was with you on that fire hose?

2271 A. Herman Latz, and Nate Mogel.

Q. All right. What were the other men doing?

A. Well, they were all standing up at the windows, at
the time.

Q. Standing up where?

A. In the windows, watching them.

Q. Did anybody throw anything?

A. Well, I was kind of busy handling the fire hose at the
time, but they was throwing; everybody was.

Q. How?

A. Everybody was throwing.

Q. Everybody was throwing.

A. Yes, sir.

Q. What were they throwing?

A. Well, spools—that is all that was thrown out of there, I guess.

Q. Where were they throwing those spools?

A. Out of the windows.

Q. Toward what direction?

A. West.

Q. That is where the deputies were, was it not?

A. Yes, sir.

Q. Is that right?

A. That is right.

Q. Did you throw anything out?

2272 A. Well, yes.

Q. Did you throw whatever you did throw out, to break the windows so as to get air, or did you throw it at the deputies, or in the direction of the deputies?

A. I guess I threw them at the deputies.

Q. Now, did you see any acid up in building 5, where you were?

A. There was some on the third floor.

Q. Where?

A. On the third floor.

Q. The third floor.

A. Yes, sir.

Q. Now, acid is ordinarily kept down on the first floor in that building, is it not?

A. In the stock room.

Q. In the stock room.

A. Yes, sir.

Q. Did you see any of that thrown out?

A. No, sir.

Q. You did not see any thrown?

A. No, sir.

Q. You saw it brought up there, did you not?

A. No, sir, I didn't. I know it was up there, but I never knew it was up there before. It stood on benches, and I took it and set it down off the benches.

2273 Q. How is that?

A. I say, it stood on benches, and I took it and set it down off the benches.

Q. You put it under the benches?

A. Yes, sir.

Q. Now, you were there again on the morning of the 26th of February—or you were still there on the morning of the 26th, I should say; is that correct?

A. Yes, sir.

Q. When the deputies came there again?

A. Yes, sir.

Q. And about the same thing was repeated?

A. Yes, sir.

Q. You threw things out of the windows?

A. Yes, sir.

Q. Was that pretty general?

A. Yes, sir.

Q. That is, almost everybody joined in that?

A. Yes, sir.

Q. Yourself included, I take it?

A. Well, I was—I guess I did, yes, sir.

Mr. Keele: That is all.

Cross-Examination.

Q. (By Mr. Walsh) Do you remember what you threw, Milton?

A. Well, spools; I threw two or three spools out the window.

2274 Q. At the time when the attack was made on the 19th of February, were there any windows broken before the gas came through?

A. I believe there was.

Q. I see. But you did do some breaking of windows, to let the air in, and let the gas out, is that correct?

A. Well, yes.

Q. Did you assist in the breaking of any of the windows?

A. What do you mean?

Q. Did you help break the windows?

A. I did.

Q. What did you use, to break them?

A. Well, I used spools, two or three spools.

Q. Two or three spools?

A. Yes, sir.

Q. Now, those windows are of ground glass, with wire in them, are they not?

A. No, sir.

Q. Can you see out of those windows normally?

A. Yes, sir.

Q. Are they high enough so that you can look out of them?

A. Yes, sir.

Q. The part that you threw—did you throw the spool through the part that you could look out of, or the top part?

A. Well, the whole thing.

2275 Q. Pardon me?

A. I took and pulled out a shutter down there.

Q. You pulled a shutter out?

A. Window and all.

Q. Window and all.

A. Yes, sir.

Q. So that you could let more air in; is that right?

A. Yes, sir.

Q. And let the gas out?

A. Yes, sir.

Q. Now, I suppose that by the 26th of February, the windows were pretty well out, were they not?

A. Yes, sir.

Q. Where were you at the time you had the fire hose, squirting at the deputies?

A. Over in the corner of the building.

Q. Over in the corner of the building.

A. Yes, sir.

Q. Were you at a stairway, or at a place where they could come up?

A. No, sir; it was on the first—or rather on the second floor, right in the corner of the building.

Q. Did you see anybody throw any acid out of the building?

A. No, I didn't.

Q. Do you know whether any was thrown out or not?

2276 A. No, I don't.

Q. All that you had to do with the acid was, to put it under the workbench?

A. Well, I set it under there so that it would be out of the way. I didn't hit them, or anything.

Q. Pardon me?

A. I say, I set it under there so that it would be out of the way.

Q. You just set it back under there to keep it from being kicked over?

A. Yes, sir.

Q. And somebody get burned—is that right?

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Mr. Walsh: Oh, pardon me, there is another question.

Q. (By Mr. Walsh.) By the way, you are working for the company now, are you not, Milton?

A. Yes, sir.

Q. What wages are you getting now?

A. 55 cents per hour.

Q. What were you getting before?

A. 53.

Q. So that there is a difference of 2 cents in your wages at the present time; is that correct?

2277 A. Yes, sir.

Q. When did you go back to work?

A. Oh, I guess I went back about two weeks after they opened up, or in that neighborhood somewhere.

2278 Q. You were a member of Lodge 66 before the trouble broke out, were you not?

A. I was.

Q. You have not been notified by the Lodge as to whether you are no longer a member, have you?

A. No, sir.

Q. You do not know whether you are still a member or not; is that it?

A. Well, I take it for granted that when I went back to work I wasn't a member any more.

Q. You just assumed that they would not want you in the Lodge any more, when you went back to work; is that right?

A. Yes, sir.

Q. You returned about 2 weeks, you say, after the plant opened up?

A. That is right.

Q. Did you get paid for the time you stayed in the plant?

A. I did.

Q. How much did that amount to, if you know?

A. Oh,—

Q. Approximately.

A. About \$25.

Q. And you stayed there from the 17th of February right on until the last gas attack, is that right?

A. Yes, sir.

2279 Q. On the 26th.

A. Yes, sir.

Mr. Walsh: That is all.

Mr. Keele: Just a moment.

Redirect Examination.

Q. (By Mr. Keele.) That raise that you got after you went back to work amounts to about 80 cents per week, does it not?

A. Yes, sir.

Q. 40 hours at 2 cents per hour.

A. Yes.

Q. That is correct, is it not?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: Nothing further.

Trial Examiner Dudley: You are excused. Thank you very much.

(Witness excused.)

Mr Keele: Send in your brother, will you?

ARTHUR SLADEK, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) State your name, please.

A. Arthur Sladek.

Q. You spell that S-l-a-d-e-k?

A. Yes, sir.

2280 Q. You are employed by the Fansteel Company?

A. Yes, sir.

Q. How long have you been employed by them?

A. Almost 4 years.

Q. Were you at the plant of the Fansteel Company on February 17th, 1937?

A. Yes, sir.

Q. Are you one of the men who seized and occupied building No. 3?

A. Yes, sir.

Q. You were there from February 17th until the morning of February 26th, were you not?

A. Yes, sir.

Q. Now, who gave the orders in building 3?

A. Carl Swanson.

Q. Did anybody else give any orders in that building?

A. Well, there was a few of the leaders in there.

Q. Who were they?

A. Frenchy, Kondrath—

Q. Frenchy DuBois?

A. Yes.

Q. Yes.

A. And Kondrath.

Q. John Kondrath?

A. Yes.

2281 Q. Was there anyone else?

A. Well, there was—I don't know—a number of them. There might have been more.

Q. You were there the morning, or the noon, that the sheriff came out with the writ, were you not?

A. Yes, sir.

Q. He read that writ to the men, did he not?

A. Yes, sir.

Q. Or to a number of the men?

A. Yes, sir.

Q. Through a window; is that correct?

A. Yes, sir.

Q. What was said about that afterward?

A. Well, they didn't say very much.

Q. Was anything said along the line of, "Well, boys, get set for a fight"?

A. Well, they didn't know that they was going to have a fight then.

Q. They did not?

A. No, sir.

Q. Well, did they make any preparations in there, to prevent their being surprised, at that time?

A. Not right then.

Q. Did they later post men around?

A. Yes, sir. I don't remember when they did post them, but they had them around there to guard. Everybody was taking turn.

2282 Q. Now, the sheriff came there on the next day, on the 19th of February, did he not?

A. Yes, sir; in the morning.

Q. And made an effort to get into the buildings, did he not?

A. Yes, sir.

Q. What happened?

A. Well, they shot gas in there.

Q. All right. What did the men do?

A. Well,—

Q. Did the men do anything?

A. Yes, sir.

Q. What did they do?

A. They threw stuff out.

Q. All right. What did they throw—did you see anything coming out of building No. 5?

A. Yes, sir.

Q. What came out of there?

A. Oh, I seen a spool roll off the roof there.

Q. Now, what were they throwing from building No. 3, if anything?

A. Oh, I guess pieces of steel, or anything else that they could get their hands on.

Q. And was that indulged in by only a few of the
2283 men, or was the greater percentage of them throwing?

A. Three quarters of them, I would say.

Q. Pardon me?

A. Three quarters of them.

Q. About three quarters of them.

A. Yes, sir.

Q. Did you see Swanson, Kondrath, and DuBois throw anything there?

A. Yes, sir; they was all throwing things.

Q. How was that?

A. Everybody was throwing.

Q. Everybody was throwing.

A. Yes, sir.

Q. You saw acid up in the machine shop on the second floor that day, did you not?

A. Yes, sir.

Q. That acid is not normally kept there—

A. No.

Q. —during the normal operation of the plant, is it?

A. No, sir.

Q. It is kept in the stockroom?

A. Yes, sir.

Q. In building 5, is it not?

A. Yes, sir.

Q. How much acid did you see up there?

2284 A. Oh, there was a box or two. I don't know exactly. I think there is about 20 in a box.

Q. Are there 48 of those bottles in a box?

A. I don't know what there is. They were just piled in there.

Q. They just piled them in there?

A. Yes, sir.

Q. Who piled them in there?

A. Oh, I don't know who brought them up; whoever brought them up.

Q. Did you see them brought up?

A. No, I didn't. I seen it after it was there.

Q. You say you saw it after it had gotten there?

A. Yes, sir.

Q. It was handled, or brought up there, by some of the men who were in the building, however?

A. Yes.

Q. That is correct, is it not?

A. Yes, sir.

Q. Now, after the sheriff came there on the morning of the 19th, he talked to the men in the building again that morning I believe, did he not?

A. Yes, sir.

Q. And then did not Swanson, Carl Swanson, say, "Now, boys get ready for a fight", and post the men around?

2285 A. Yes, sir.

Q. And say, "If something starts, give it to them"?

A. Yes, sir. They was all around there, on the third floor, and the second floor.

Q. Well, tell us; just tell us about what happened there. Just go ahead, without my asking you questions.

A. We was all sleeping, and I don't know who it was, but somebody woke me up, and they woke everybody up, and sent us up in the machine shop; and we scattered out up there to get ready for a fight.

Q. What was said then? I mean, what did Swanson say? What did he say, if anything?

A. Oh, I don't remember; just, "When they start, give it to them."

Mr. Walsh: I did not get that.

Mr. Keele: "When they start, give it to them."

Mr. Walsh: May the answer be read, please, Mr. Reporter? I thought there was something else.

(The answer was read.)

Mr. Walsh: Pardon me.

Q. (By Mr. Keele.) What was he referring to, or what did he mean by "give it to them"?

- A. To keep them away.
Q. To keep whom away?
A. Well, the deputies and the policemen.
2286 Q. Did he tell you what to do to keep them away?
A. Just throw stuff.
Q. And was stuff thrown after that?
A. How is that?
Q. When the deputies came and tried to get into the plant, was stuff thrown out by men in the plant at the deputies?
A. Yes, sir.
Q. Did you know of any acid being thrown out of those buildings?
A. Sure.
Q. How much of it was thrown out?
A. Oh, I don't know. I don't remember. There was some thrown, though.
Mr. Keele: That is all.

Cross-Examination.

- Q. (By Mr. Walsh.) Are you working there now?
A. Yes, sir.
Q. What is your job?
A. Making carbide.
Q. When did you return to work?
A. Oh, about a week after the strike. I returned to work on a Monday, about a week and a couple of days after the strike.
Q. About a week and a couple of days, you mean, after you got out of the buildings, is that right?
A. Yes, sir.
2287 Q. Do you work in the Chemical Building, did you say?
A. No, sir.
Q. What building?
A. No. 9.
Q. You work in No. 9?
A. No. 9, and sometimes in No. 1.
Q. How did you happen to be in building No. 3 during this period of time?
A. Well,—
Q. Did you run in there when the strike was on?
A. No, sir; we was ordered there.
Q. You were ordered there?

A. Yes, sir.

Q. Now, let me see. Do you remember whether, the 19th of February, the deputies attacked building 3 or building 5 first?

A. No. 5.

Q. No. 5?

A. Yes, sir; they shot a couple of gas bombs in there, and then they came over to our place.

Q. And then they came over and shot some in your place, is that right?

A. Yes, sir.

Q. Now, were there any windows broken by the men, before the gas came in there?

A. I don't think so.

2288 Q. Do you remember the gas bombs breaking any windows, or not?

A. Oh, they broke a few, yes, sir.

Q. They broke a few?

A. Yes, sir.

Q. And then as soon as the gas was released in the buildings, the men started to throw things through the windows; is that right?

A. Yes, sir; they started breaking the windows, and then they started throwing.

Q. Did you help in the breakage of the windows?

A. No, I didn't.

Q. What were you doing at that time?

A. Well, I was—if I remember right, everybody was throwing, and I guess I was throwing too.

Q. You were just helping the other fellows, too?

A. Yes, sir.

Q. In the throwing?

A. Yes, sir.

Q. I believe your brother said that he helped on the fire hose there.

A. Yes.

Q. Was he in the same building with you?

A. No, he was in number 5.

Q. He was in number 5?

A. Yes, sir.

2289 Q. Now, when this gas attack started, you say that Swanson told you to throw stuff; is that right?

A. Well, we all knew what we should do.

Mr. Block: What was that?

Q. (By Mr. Walsh.) You all knew what you should do; is that right?

A. Yes, sir.

Q. Now, how much acid was thrown out of your building?

A. Oh, I don't know exactly, but there was some thrown.

Q. Some was thrown?

A. Yes, sir.

Q. What did they do; just pick up a bottle and heave it out of the window?

A. Oh, sure.

Q. Are your wages the same now as they were before the strike?

A. No, sir.

Q. What are you getting now?

A. I am getting 60 cents.

Q. And before, what were you getting?

A. Before the strike I was getting 57.

Q. So your raise amounted to 3 cents per week, is that right?

A. What is that?

Mr. Swiren: You mean, 3 cents per hour.

2290 Q. (By Mr. Walsh.) I mean to say, 3 cents per hour, or \$1.20 per week; is that right?

A. Yes, sir.

Q. Did you get paid for the time you were occupying the buildings?

A. Yes, sir.

Q. How much did that amount to?

A. Around \$31.

Q. You testified in the other case, did you not?

A. Yes, sir.

Q. Over in the Circuit Court?

A. Yes, sir.

Q. For the company?

A. Yes, sir.

Q. How many times have you testified?

A. Twice.

Q. This makes the third time that you have testified, is that right?

A. Yes, sir.

Q. Do you remember pretty well what you are going to say; is that right?

A. Oh, no; I just say what you ask me.

Mr. Walsh: All right. That is all.

Mr. Keele: Just a moment.

Redirect Examination.

2291 Q. (By Mr. Keele.) What you have said here is the truth, is it not?

A. Yes, sir.

Q. What you said at the other hearing was the truth, was it not?

A. Yes, sir.

Q. So that if you were asked these questions several hundred times, your testimony would still be about the same?

A. Yes, sir.

Q. And you do know what the answers are going to be to the questions?

A. Yes, sir.

Q. If the same questions are asked?

A. Just about; yes, sir.

Mr. Keele: All right.

Mr. Walsh: Just a moment.

Recross Examination.

Q. (By Mr. Walsh.) I take it that you have talked these matters over a number of times with Mr. Keele, have you not?

A. No, sir.

Q. You did not?

A. No, sir. I don't talk very much.

Q. To whom have you talked?

A. Well, I just—

Q. Did you talk to Mr. Banker?

2292 A. I just tell the truth always, that is all.

Mr. Walsh: All right.

Mr. Keele: That is all.

The Witness: Is that all with me?

Trial Examiner Dudley: That is all.

(Witness excused.)

Mr. Keele: Our next witness will take about an hour, I believe, if the examiner please, and I would much rather not start with him until tomorrow morning.

Trial Examiner Dudley: Very well. We will adjourn at this time until 9:30 tomorrow morning.

(At 5:25 o'clock p. m., Monday, June 21, 1937, an adjournment was taken until Tuesday, June 22, 1937, at 9:30 o'clock a. m. in room No. 4, United States Post Office Building, Waukegan, Illinois.)

2296 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-80) • •

Room No. 4, United States Post Office Building,
Waukegan, Illinois.

Tuesday, June 22, 1937.

The above-entitled matter come on for further hearing,
at 9:30 o'clock A. M., pursuant to adjournment.

Before:

Tilford E. Dudley, Trial Examiner.

Appearances:

William B. Walsh, Regional Attorney, on behalf of
the National Labor Relations Board.

Levinson, Becker, Peebles & Swiren, Suite 2525-One
North LaSalle Street, Chicago, Illinois, by

Max Swiren, and Harold M. Keele, and

Sidney H. Block, Waukegan, Illinois, on behalf of Fan-
steel Metallurgical Corporation.

Lester Collins, Waukegan, Illinois, on behalf of Lodge
66 Amalgamated Association of Iron, Steel and Tin
Workers of North America.

2297

PROCEEDINGS.

Trial Examiner Dudley: I will call the hearing to order.

Mr. Swiren: If the Examiner please, we would like to
ask leave to present at this time an amendment to the an-
swer of the respondent, amending paragraph 10. I have a
signed verified copy and three additional copies I am filing
with the Examiner at this time.

Trial Examiner Dudley: Off the record.

(Discussion outside the record.)

Trial Examiner Dudley: I will rule that the amendment
to the answer of the respondent may be admitted, reserving
however, the right of the Board to note any inconsistencies
between the original answer and the amendment to the an-
swer, noting that both were sworn to by respondent's presi-
dent.

(The amendment was thereupon filed.)

Mr. Swiren: I think I ought to say to the Examiner in that connection that we were engaged in trial in the Circuit Court at the time that answer was prepared, and the time that ought to be devoted to an answer of this kind was not available, as the Board well knew.

We had to rely only on the information that the president himself and I had at that time. The fact is that such things as requests to return were made by seven or eight different people, and the information upon which changes have been made came largely from the testimony of the Board's 2298 own witnesses on the direct case.

Mr. Walsh: Mr. Swiren, do you take the position that the requests, these several requests that were made by various individuals were bona fide requests to return to work which the people refused?

Mr. Swiren: I think I will stand on the record. I just prefer to stand on the record.

Mr. Walsh: I see.

Mr. Swiren: I prefer to stand on the record as it is being made.

Mr. Walsh: I just wanted to know—

Mr. Swiren: I shall be glad to review the facts with you, if you like, and try to reach an understanding.

Mr. Walsh: Well, it does not make any difference, I guess.

Trial Examiner Dudley: Are you ready to proceed?

Mr. Swiren: Yes.

Mr. Keele: Frank Osenek.

FRANK OSENEK, called as a witness for the Respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) State your name please.

A. Frank Osenek.

Q. O-s-e-n-e-k?

2299 A. Yes.

Q. You live in the city of North Chicago, Illinois, do you not?

A. Yes.

Q. You are employed by the Fansteel Company at the present time?

A. Yes.

Q. How long have you been working for the Fansteel Company?

A. About five and a half years.

Q. You were employed by them on February 17th, 1937—

A. Yes.

Q. —is that right?

A. Yes.

Q. You went into one of the buildings at that time, did you not?

A. Yes.

Q. You went in there with the other men and seized those buildings, did you not?

A. (No answer.)

Q. You went into one of the buildings with the men at that time, did you not?

A. Yes. I was in No. 5.

Q. How long were you in that building?

A. I was in there from the 17th to the 19th.

Q. From the 17th to the 19th?

2300 A. Yes.

Q. You left the buildings on the afternoon of the day of the first attack of the deputies?

A. Yes.

Q. Who was boss in that building? That is, who gave orders in the building?

A. Well, Warner was in there, and Frank Zelenick and Peters.

Q. Elsworth Peters?

A. Yes.

Q. Did you see any acid brought up in that building?

A. Yes.

Q. Who brought it up?

A. Joe Rieke, and Yaeger, and—I don't know the other fellow. I know the two of them.

Q. Roy Brown?

A. Yes; that is right; Roy Brown.

Q. When you say "Rieke," you mean Joe Richveis?

A. Yes.

Q. And Fred Yaeger?

A. Yes.

Q. How did they bring that acid up?

A. On the elevator.

Q. You saw them bring that up on the elevator?

A. Yes.

2301 Q. They put it on a truck, did they not?

A. Yes.

Q. And brought it up in the elevator?

A. Yes.

Q. Where did they bring it from?

A. From the first floor, downstairs there.

Q. Where did they bring it to?

A. On the second floor.

Q. What did they do with it?

A. They have everything prepared to throw it out when the time comes.

Q. Was there any discussion with reference to that acid? Was there any talk about what should be done at all?

A. They said they would be prepared with everything, any time, when the time comes.

Q. How much acid did you see brought up there?

A. Oh, about a couple of dozen, I guess, or something like that.

Q. A couple of dozen bottles?

A. Yes.

Q. Were those bottles the same, or of the same type as that bottle you saw here yesterday containing the sulphuric—

A. Yes.

Q. —electrolloid?

A. Yes, the same size.

2302 Q. Were you there at the time the sheriff came there on the morning of the 19th of February?

A. Yes, I was there, but I wasn't down below. I was up on the second floor at that time.

Q. All right. What happened when the sheriff came there?

A. Well, they gave them that injunction and told them to walk out, and the fellows didn't want to. That is all.

Q. Then the sheriff made an attempt to enter the building—

A. Yes.

Q. —through building 6?

A. Yes.

Q. What did the men do at the time the sheriff and his deputies attempted to enter the building?

What did the men in the building do?

A. Everything was just waiting there, that is all. Some of them was down below. They gave them that injunction

through the bathroom window. So then they read it up by the whole group upstairs.

Q. Are you referring to the time that the sheriff came there at noon, when he brought a copy of the injunction, or are you referring to the morning of the 19th?

A. I don't know just exactly what time was that. I couldn't say.

Q. Was it at the time of the first attempt of the sheriff to enter the building that he read to the men, or was it the day before?

2303 A. I couldn't say.

Q. You do not recall?

A. I couldn't say.

Q. All right. Did anybody give any orders to the men when the sheriff came there as to what they were to do? Did anybody inside of the buildings give any orders to the men as to what they were to do?

A. Of course, Warner said to be prepared. Frank Zelenick said the same thing, and Yaeger, and I don't know who else.

Q. What did they say besides "Be prepared"? Did they say anything else?

A. They said "There is going to be a gas attack now."

Q. Yes. Did they say anything more as to what they were going to do if the men made an attack, that is, if the deputies made an attack?

A. Some of them said, like this Joe Chudy "If they don't leave us 'one," he said, "we are going to start tearing the machines down and throw them down on the deputies."

Q. All right. Did Warner say anything about—

A. I told him at the same time, I said, "You better not do that." He said "Never mind." He said, "We are going to do it."

Q. Did Warner say something about getting something? Did he say "Grab something, and throw anything down you can"?

A. He said "Grab everything what you can."

2304 Q. Now, then, when the deputies attempted to enter, did the men throw anything out of the windows?

A. Yes.

Q. What did they throw?

A. Acid, spools, and whatever they can grab.

Q. Were one or two of the men throwing, or was that quite widespread?

A. Well, there was Chudy. He had a bottle in his hand. Chudy was just throwing down, and a gas bomb came up and split that bottle into pieces.

Q. You are talking about Joe Chudy?

A. Yes.

Q. You say he was ready to throw acid, and a bomb, a gas bomb came in and struck the acid?

A. Yes.

Q. And broke it in his hand?

A. Yes.

Q. Then what did he do? What did Chudy do when that happened?

A. At that time he walked away from the window for a while and then I couldn't remember what happened after that. Then all the rest of them guys was around the windows throwing down everything they can.

Q. Did you see anybody else besides Chudy throwing anything?

A. Well—

2305 Q. Was everybody throwing?

A. Almost everybody, anyhow.

Q. You left the building in the afternoon?

A. Yes.

Q. In the afternoon, around what time?

A. Five thirty in the evening.

Q. How did you get out? How did you happen to get out?

A. I went down, and I saw the boys, all the boys was busy on the food. You know, they took it over the fence, and put it up. I went down that day—

Q. Did you ask anybody whether you could go, or did you just slip out?

A. I was asking a couple of the boys before, and they said "You got to stick with us". I said to myself, "I am going to get out any time I want, any time I feel like it."

Q. So you slipped out?

A. I slipped out at that time.

Q. All right. Now, who said to you that you had to stick and that you could not go?

A. Frank Zelenick, and that Peters.

Q. Elsworth Peters?

A. He was the main one, and a couple of other guys; I can't remember just who.

Q. Who handled the fire extinguisher in there?

A. Fred Yaeger, Warner, and a couple of other guys
2306 I don't know; Warner was by the window, and this
other bunch was on the back, and they turned it on be-
fore they were supposed to turn it on. Then Warner was
raising hell on them. He said, "You should wait a while".
That is all.

Q. Was there any discussion among any of the men as
to the throwing of the acid; did anyone say the acid should
not be thrown?

A. Well, I don't know; I couldn't say on that. If any-
body said anything like that, they just kept on throwing,
that is all.

Mr. Walsh: You may cross examine.

Cross-Examination.

Q. (By Mr. Walsh.) Have you ever been arrested?

A. No, never.

Q. You say you have never been arrested?

A. No.

Q. Have you ever been arrested for anything?

A. For nothing, not in this country.

Q. Were you ever arrested in the old country?

A. No.

Q. Were you ever arrested in any country?

A. I was arrested no place.

Q. You and Chudy do not get along very well, do you?

A. Well, Chudy and myself is this: At that time, you
know, when this person what was sitting right back
2307 here, back of Mr. Keele—he is one of them, and I am
going to tell him right out—he always teach me what
is Russia and what is this country.

I was down in the courthouse, and I told a certain man that
this man looked for citizen papers and I know what is going
on. I told him everything, and when the time comes he got
it just the same, because Chudy went down to the judge's
home with him and told him I was a liar.

Q. So just because a certain man got his citizenship papers
and Chudy helped him, you do not like Chudy, is that right?

A. No, sir. We was good friends before. After that we
never was no more, but before that we was always good
friends.

Q. You do not like Chudy now, do you?

A. Of course not.

Q. You would not do anything to help him, would you?

A. No.

Q. Would you do anything to hurt him?

A. No.

Q. Chudy is a liar, is he?

A. What do you mean?

Q. Is he a liar?

A. Well, he was that time anyway.

Q. He was that time a liar?

A. Yes, he was.

Q. Now, Chudy is a man who wanted to throw machinery out of the window, is that right?

A. Yes.

Q. Who told him not to throw it out?

A. I told him.

Q. You told him?

A. Yes.

Q. Did he take your word for it?

A. He just told me "Never mind". He said, "We are going to do anything we feel like."

Q. You and Joe Richveis do not get along very well, do you?

A. Joe Richveis—we have some kind of an argument a couple of times before on account of some wire. He claimed I was putting that wire up in the reel, but I didn't. Since that time it is kind of arguing between us, but after while I settle up again, and we was good friends again.

Q. Did you have any further arguments with Joe about working in the shop?

A. Not any more than that.

Q. The one time you and Joe had trouble was when he accused you of putting up some wire wrong, is that right?

A. Yes. That was about a year before, or so.

Q. That was about a year before that?

A. What?

Q. That was about a year before that?

A. Yes.

2309 Q. You do not like Joe now, is that right?

A. Well, I can't say I don't like him, but that was the trouble, that is all.

Q. You and Joe had some trouble; you did not get along very well, is that it?

A. Yes, with the wire that time.

Q. Bill Warner told the fellows not to take any machinery down, did he not?

A. I don't know about Bill Warner, because he was down at the other end.

Q. He was at the other end?

A. That happened right in the middle of the third floor.

Q. That happened right in the middle of the third floor?

A. Yes.

Q. Of Building 5?

A. Yes.

2310 Q. Is that right?

A. Yes, Building 5.

Q. Now, I think you threw some acid, did you not?

A. I didn't.

Q. You did not throw any acid?

A. Not a bit.

Q. You did not throw anything out?

A. Not a bit; not a spool, or not a piece.

Q. You did not throw a piece of iron or steel and break a window?

A. Not a bit. I was so nervous right then—

Q. You were pretty scared, were you not?

A. I was, because I was nervous since I was eleven years old, anyway.

Q. You are a very nervous person, are you not?

A. I was.

Q. You are still nervous now, are you not?

A. What?

Q. You are still nervous now, are you not?

A. Yes.

Q. You say that Yaeger and Brown and Richveis and somebody else brought acid up from down stairs?

A. Yes.

Q. Is that right?

A. Yes.

2311 Q. How did they bring that up?

A. In the elevator.

Q. Did you see where they got it?

A. Why, I wasn't down there, but probably—I know where the stuff is, I didn't see it where they got it, but I know where the stuff was, up on the shelf there.

Q. You know where it is kept?

A. Yes.

Q. You know that, do you?

A. Yes.

Q. Did you see that come up on the elevator? Did you see them come up on the elevator with it?

A. Yes.

Q. You saw them on the truck?

A. Yes. I was right by the main door upon the third floor that time.

Q. They came up on the elevator?

A. Yes.

Q. That is the way they brought it, is that right?

A. Yes.

Q. Where did they put it?

A. They put it right by the door there.

Q. Right by the third floor elevator?

A. Yes, the main door.

Q. How long did it stay there?

2312 A. I don't know just exactly how long it stayed there.

Q. Who helped to turn the fire extinguisher on?

A. Yaeger was in the back by the tank over there and Warner was by the window. Warner was hollering "Wait a minute. Wait a minute. It isn't time yet". They turned it on just the same, and it went flying out the window.

Q. Was that the fire hose, or the fire extinguisher?

A. That one was the fire extinguisher.

Q. Is that the Foamite thing on wheels?

A. That is it. That is the one.

Q. If Chester Hook—do you know Chester Hook?

A. Yes.

Q. If he testified that he helped to operate that fire extinguisher down in Building 6, would he be wrong, or would he be right?

A. In Building 6?

Q. Yes.

A. I don't know. At that time they—

Mr. Swiren: I think we ought to suggest that counsel is assuming—

Mr. Walsh: I think probably you ought to let me cross examine the witness.

Mr. Swiren: I think we ought to know—

Mr. Walsh: Mr. Swiren, I am cross examining the witness.

2313 Mr. Swiren: I am addressing myself to the Examiner.

Mr. Walsh: I will conduct my own cross-examination.

Mr. Swiren: I am trying to address my remarks to the Examiner.

Trial Examiner Dudley: Let him continue.

Q. (By Mr. Walsh.) Where was this fire extinguisher?

A. It was right up on the third floor.

Mr. Swiren: I would like to make an objection, if the Examiner please.

Trial Examiner Dudley: Objection overruled.

The Witness: I know where that tank was before.

Q. (By Mr. Walsh.) Where was it?

A. In the quiet time before the strike, it was right down in the carpenter shop, right in the next room there. I didn't see who brought it up, but I know it was up there, and it was operated.

Q. You were on the third floor?

A. I was up on the third floor at that time.

Q. That is, at the time of the first gas attack?

A. Yes.

Q. You were not down at Building 6 at any time, were you?

A. Not in Building 6, no.

Q. You do not know whether the fire extinguisher was down in Building 6 or not, do you?

A. I don't know anything about Building 6. The 2314 only thing I know is when I was in number 5.

Q. Are there two of these fire extinguishers on wheels?

A. I don't know. I know just the one I saw. I don't know about those other ones. I didn't see those other ones.

Q. Did you eat while you were in the building?

A. Eat?

Q. Yes.

A. Of course I ate.

Q. Who brought the food in?

A. I couldn't say just exactly who brought it, but I saw Adelman and his partner.

Q. How did you see them?

A. Out the window.

Q. You looked out the window?

A. Yes, when they helped them over the fence.

Q. Did you break any windows?

A. I didn't.

Q. You did not break any windows?

A. I didn't, no, sir. I can swear any time. When I swear, I swear for good, but them guys are lying.

Q. All right. If people who come here tell a different story from you, they are lying, is that right?

A. That is all right. They lie, at the same time.

Q. Everybody is lying but you, is that right?

Mr. Swiren: That is objected to.

2315 Trial Examiner Dudley: Objection overruled.

Mr. Swiren: I do not think that is a fair question.

The Witness: I know everything what was going on. I told the truth.

Q. (By Mr. Walsh.) Of course, I know you told the truth. I just wanted to find out how big liars these other people are.

A. I heard the people up in court here, how they lie, every damn one.

Q. Where did they turn the fire extinguisher on?

A. I don't know just what time it was.

Q. No; where did they turn it on? Did they point it out the window?

A. The hose was out of the window, sure, about so much. (Indicating.)

Q. Indicating about two feet.

A. The tank was over by the main door there on the third floor.

Q. Who was pointing the hose out of the window? Who had a hold of the hose?

A. I don't know just who pulled it over there. I seen Warner right there.

Q. You saw Warner right up there on the third floor?

A. On the third floor, yes.

Q. He said that they turned it on too quickly, is that right?

A. Yes. That is what he said. He said "Wait a 2316 minute, fellows, it isn't time yet".

Q. Well, did they use up all the fire extinguisher that was in there?

A. I couldn't say how much they used.

Q. How long did they squirt the hose out of the window?

A. They squirted it out a while, and then they stopped squirting.

Q. Did gas come in the building before you broke out the windows?

A. Why, I couldn't say that. I couldn't say nothing on that, how it was that happening, because I was so nervous.

Q. You were pretty excited, were you not, Frank?

A. What?

Q. I say, you were pretty excited?

A. Yes, I was nervous. That is all. I was just walking

back and forth, and I don't know what I am going to do, that is all.

Q. Then you do not remember very well what happened, do you?

A. I know something, the way I told you before.

Q. You were pretty scared, were you not?

A. I was.

Q. You are not very sure about just what happened, are you?

A. Oh, I saw a lot of things, anyhow.

Q. Well, do you remember what you saw?

A. Of course, I saw a lot of things I told already before.

2317 Q. You were a member of Lodge 66 when the trouble broke out, were you not?

A. Yes.

Q. You went back to work for the company after the trouble was over?

A. Yes.

Q. You got paid for the time the buildings were tied up, did you not?

A. I did.

Q. You got a raise after you went back, did you not?

A. I didn't get a raise after that.

Q. Did you get a raise before?

A. Before, yes.

Q. What were you getting before the trouble?

A. Well, I got one raise before, and then I got that general raise.

Q. The general raise was in November?

A. That was the one, yes.

Q. What was your rate just before the trouble?

A. Before the trouble, 65 cents.

Q. What is your rate now?

A. 65 cents.

Q. Who asked you to come back to work?

A. My foreman came to the house.

Q. Schardt?

2318 A. Schardt.

Q. Florian Schardt?

A. Yes.

Q. He came to the house and asked you, did he?

A. Yes.

Q. He knew at that time you had been in the buildings?

A. Sure.

Q. Did you talk to Florian Schardt or any of the officers of the company while the men were still in the buildings after you left?

A. No.

Q. On the 19th, when you went to go out, what did you do? Did you just go down and take the cars off the door and run out?

A. The door of the testing room was locked, but the key was in. I just turned that key, and I went through there and through the stock room and out.

Q. You went out what door?

A. There was only window that wasn't nailed down, and all the rest was nailed.

Q. You went out the door, did you not?

A. No. I went out the window.

Q. You went out the window?

A. Yes. The door was open of the testing room.

Q. You unlocked the door of the testing room and
2319 went through that room into the stock room?

A. Yes.

Q. Then you opened a window in the stock room, is that right?

A. Yes.

Q. Was that window broken out?

A. No. I just raised it up and went out.

Q. Now what side of the building did you go out on?

A. On the north side of the building.

Q. The north side of Building 5?

A. Yes.

Q. Then where did you go?

A. When I came up to the gate nobody answered me anything, not a bit. I just opened the gate and I went out, that is all.

Q. Who opened the gate for you?

A. Some deputy.

Q. Did he put you under arrest?

A. No, not a bit.

Q. You knew there was an injunction then, did you not?

A. Of course. They didn't do anything to me.

Q. Why did they not do anything to you?

A. I don't know why.

Mr. Swiren: That is objected to.

The Witness: I don't know why. I went out just as easy as could be.

2320 Q. (By Mr. Walsh.) Did they ask you your name?

A. They didn't ask me not a bit, not a thing.

Q. Do you know the deputy that let you out?

A. I don't know no one.

Q. Did you tell them what was going on in the building?

A. They didn't ask me. How can I answer?

Q. I guess you could not, if they did not ask you. You could not answer.

A. If they asked me, yes. They didn't ask me, so I didn't say nothing to them.

Q. How did the newspapers know you were out?

A. The newspapers?

Q. Yes.

A. There wasn't anything in the paper, nothing.

Q. Your name was in the paper, was it not?

A. I don't think so. I was looking in the paper, and I never saw my name. Even Schardt when he came down, he didn't know it. He just came down.

My friend up there, some Finnish fellow, he didn't know either. He just found out later, a couple of days after I was out. He came down to my basement, that is all.

Mr. Walsh: I guess that is all.

Mr. Keele: Just a moment.

Redirect Examination.

2321 Q. (By Mr. Keele.) Mr. Osenek, do you know whether or not there are two extinguishers in Building 5, fire extinguishers, with wheels on them?

A. I can't say there was two of them.

Q. You do not know that?

A. No, sir. I don't know, but I know one of them.

Q. The one that you saw was up on the third floor?

A. The third floor, yes, that day; but I saw many times before the strike it was down below.

Q. You have seen one down below?

A. Down below, before the strike, many times. That is all I can say there, that I saw, was just one. I don't know nothing else.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Keele: Mr. Aitchison.

ROBERT J. AITCHISON, a witness called on behalf of the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) You have testified previously in this case, have you not, Mr. Aitchison?

A. I have.

Q. Are there two fire extinguishers in Building 5?

A. There are.

2322 Q. Each of which has a tank of approximately 40 gallons capacity, with wheels approximately five feet high?

A. That is right.

Q. There are.

A. There are.

Q. One is set on the first floor and one is set—

A. One is set on the first floor, and the second one was on the fourth floor.

Q. That is, in normal operations, during normal operations, is that right?

A. Yes. I ordered it up there about the first of January, because we moved in a lacquering outfit there, with a spraying booth, and we needed an extinguisher to take care of it.

Q. When did you first enter Building 5 after 5:30 on the morning of February 26th?

A. Oh, several hours after.

Q. Several hours after?

A. After the men were evicted.

Q. Did you observe the position of the two fire extinguishers in Building 5?

A. I did.

Q. Where were they?

A. One was on the shipping room floor, at the head of the ramp. The second one was on the third floor of Building 5 with the nozzle pointing to the west.

2323 Q. Do you know whether or not those tanks were at that time empty or full?

A. I know the one on the first floor was empty. I am not certain whether the one on the third floor was partially discharged or not.

Q. I will show you Respondent's Exhibit No. 9, Mr. Aitchison.

A. Yes.

Q. I will ask you if that is an accurate representation of one of those fire extinguishers?

A. Yes, it is.

Q. Is that the position in which you found that fire extinguisher?

A. Yes.

Q. When you went in there on the morning of the 26th?

A. That is on the third floor of Building 5, yes, sir. That is the position.

Q. I show you Respondent's Exhibit No. 14. I will ask you if that represents the position on the first floor of Building No. 5, adjoining Building No. 6, where the other fire extinguisher was found?

A. It shows the condition of the floor, the building, and the damage done by the Foamite, but it does not show the extinguisher.

Q. Where was the extinguisher with reference to the 2324 portion of the building shown in the picture?

A. The extinguisher was to the east of this portion.

Q. How far?

A. Maybe 35 feet or 30 feet.

Q. On the same floor?

A. On the same floor.

Mr. Keele: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) What is the damage represented there, Mr. Aitchison? What is the damage represented in Exhibit No. 14, done by the Foamite?

A. In Building No. 6—well, you can see the Foamite there. It attacks steel, and causes it to rust. That is Niagara shear you see there before you. It was badly rusted, and had to be reconditioned.

Q. As a matter of fact, Mr. Aitchison, for the last two years, the one fire extinguisher has been at the head of the ramp in Building No. 6, has it not?

A. That is also called a shipping room floor.

Q. So the way you term it, Building 6—

A. We connected Building 6 with Building 5, with a ramp.

Q. Is the stock room and shipping room the same?

A. That is the shipping room floor, and the stock room floor.

Mr. Walsh: Just so we understand where it was; that is all. That is all I want.

2325 The Witness: Yes.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Keele: John Germer.

JOHN GERMER, a witness called for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) State your name, please.

A. John Germer.

Q. Where do you reside, Mr. Germer?

A. What?

Q. Where do you live?

A. 215 South Orchard Street, Waukegan.

Q. You are employed at the Fansteel Company?

A. Yes.

Q. How long have you worked for Fansteel?

A. About fourteen years.

Q. You were working at Fansteel, at the plant, on the 17th of February, 1937?

A. Yes.

Q. You were one of the men who seized Building 3, were you not?

A. Yes.

2326 Q. Who was in charge of that building?

A. Swanson, Carl Swanson.

Q. I am speaking of the men in the building. Who was in charge of the men in the building, Swanson?

A. Carl Swanson.

Q. Did he have any one who assisted him?

A. Well, there was two boys, Frank Laatz, and he had several others I can't just remember.

Q. You were there on the day of the 18th of February when the sheriff came there with a writ, were you not?

A. Yes, I was.

Q. You saw him reading that writ?

A. Yes.

Q. He was standing outside of an open window, was he not, at that time?

A. Yes.

Q. There was a group of men inside of the window?

A. Yes.

Q. Grouped around the window?

A. Yes.

Q. Is that correct?

A. Yes.

Q. In that group was Carl Swanson, among others, is that correct?

A. Yes.

2327 Q. After the sheriff read the writ, he handed copies of the paper in, did he not?

A. Yes. There were several carbon copies.

Q. They were handed around among the men?

A. Yes.

Q. Those copies were distributed among the men?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Did the men read those copies?

A. Yes, they did.

Q. Did they discuss them or talk about what was in them?

A. There was several discussions about them. I don't know just what it was, or all that was said about it.

Q. You were there the next morning, on the morning of the 19th of February when the sheriff and his deputies came there, were you not?

A. Yes.

Q. The sheriff read another paper to the men, did he not?

A. Yes.

Q. Did he read that through the window, too?

A. Yes, he did.

Q. Was there a group of men around the window at the time he read it?

A. There was several of them.

2328 Q. All right.

Mr. Walsh: What date was that?

Mr. Keele: What?

Mr. Walsh: What date was that? I did not get that.

Mr. Keele: That was the morning of the 19th.

Mr. Walsh: All right.

Q. (By Mr. Keele.) Then the sheriff attempted to make an entrance into Building 5, did he not?

A. Yes, he did.

Q. Through Building 6?

A. Through Building 6, yes.

Q. All right. Carl Swanson gave orders to the men as to where they were to go and station themselves around the building there, did he not?

A. He told them to all go up stairs.

Q. Did any of the men in Building 3 throw anything out?

A. Yes.

Q. Did you see anything thrown from Building 5 during that time?

A. There was spools and stuff coming out of that second floor window.

Q. What did the men in Building 3 throw out?

A. Everything that was handy.

Q. I did not hear you. What was that?

A. Everything that was handy, everything that was
2329 lying around there.

Q. Did you see acid brought up in Building 3?

A. No, I didn't.

Q. Did you see any acid up there?

A. There was acid up there, yes.

Q. Was there any discussion as to the throwing of that acid, or what was to be done with it?

A. Well, there was Simonson, myself, Frank Moxey, and a few other ones; we hid the acid, and put it under the tool room Boss' bench there,—or, rather, desk.

Q. Why did you do that?

A. We didn't want to throw it down on them.

Q. Why not?

A. On account of injuries to the eyes and skin.

Q. Did you discuss the throwing of that acid with anybody, or tell anybody it should not be thrown?

A. Just between the fellows that was around there at that time.

Q. How much acid did you see up there?

A. There was two cartons.

Q. Two cartons?

A. Yes.

Q. How many bottles are there in a carton?

A. Oh, I should judge about two or three dozen.

Q. Were you there on the morning of the 26th?

2330 A. Yes.

Q. When the sheriff came in the second time?

A. Yes.

Mr. Walsh: What was the answer?

Mr. Keele: He said "Yes".

Mr. Walsh: All right.

Q. (By Mr. Keele.) Did the men throw anything out of building 3 that morning?

A. I couldn't say. We didn't stay in there long enough, after they started throwing gas shells in.

Q. Did you see anything thrown out of building 5 that morning?

A. I couldn't say, because we was all down stairs at the time.

Q. Did you see any windows broken in the building on the morning of the 19th, the time the sheriff was there, the first time?

A. Yes, they were all broken.

Q. How did they happen to be broken? Tell us what took place there.

A. Well, at the first gas attack they started throwing gas shells in there, and they went along breaking out the windows, so we could get some air.

Q. Who did that?

A. There was a whole bunch of fellows.

2331 Q. Men on the inside, or men on the outside?

A. Men on the inside.

Q. In other words, they ran along and hit these windows like they were playing an xylophone, and knocked them out?

A. They knocked them out.

Mr. Walsh: Did they do it with both hands?

Mr. Keele: Yes.

Mr. Walsh: Yes. It was very musical, "tinkle, tinkle, tinkle".

Q. (By Mr. Keele.) They knocked out a great number of windows, did they not, that morning?

A. Well, all they could reach.

Q. All they could reach?

A. Yes.

Q. Did you observe whether there were one or two or three men throwing things on the 19th, or were there a great number of men engaged in throwing things?

A. They were practically all throwing.

Mr. Keele: You may cross examine.

Cross-Examination.

Q. (By Mr. Walsh.) You threw some mill ends, did you not?

A. Some what?

Q. Mill ends.

A. I couldn't say that I threw mill ends out.

Q. What was it you threw out?

2332 A. Well, anything that was laying around.

Q. Anything that was handy?

A. Yes.

Q. I believe you stayed in all the time?

A. Yes.

Q. You went back to work when it was over?

A. Yes.

Q. You got paid for the time you were in the building, did you not?

A. Yes.

Q. I believe you had a rod breaking out windows, did you not?

A. I didn't break out windows with a rod.

Q. Not with a rod?

A. No.

Q. You just threw the things you could get a hold of through the windows, so you could get air, is that right?

A. I was taking care of the back at that time.

Q. You were taking care of the back?

A. I was taking care of the windows.

Q. I see. Did you get a raise after you went back to work?

A. Well, yes, with the rest of the boys.

Q. Let us see. I believe you testified the other day about that, but I have forgotten what it was. What was it?

A. It was five cents an hour.

Q. Five cents an hour?

2333 A. Yes.

Q. You have your same job?

A. Yes.

Q. The men threw things that were loose around there, did they not, to break out the windows?

A. Well, anything that was loose, sure.

Q. Did you break any windows before any gas came in?

A. No.

Q. And the reason for breaking the windows was to get some air, was it not?

A. To get some air, yes.

Mr. Walsh: That is all.

Trial Examiner Dudley: Is there anything further, Mr. Keele?

Mr. Keele: Yes, I have one question.

Q. (By Mr. Keele.) With reference to the things that they were throwing out, were they throwing those out to break windows?

A. No. They were throwing them out at the deputies, to keep them away from the building.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You are excused.

(Witness excused.)

Mr. Keele: Mr. Simonson.

ALF SIMONSON, a witness called on behalf of the respondent, being first duly sworn, testified as follows:

2334

Direct Examination.

Q. (By Mr. Keele.) State your name, please.

A. Alf Simonson.

Mr. Walsh: What is the witness' name?

Mr. Keele: Alf Simonson.

The Witness: Alf Simonson.

Q. (By Mr. Keele.) Where do you live, Mr. Simonson?

A. North Chicago.

Q. You are employed by the Fansteel Company?

A. Yes, I am.

Q. You were employed by the Fansteel Company on February 17th?

A. Yes.

Q. You are one of the men who was in building 3?

A. Yes, I was in 3.

Q. You saw the acid up there in building 3, did you not?

A. I saw it brought up.

Q. You saw it brought up?

Mr. Walsh: Speak a little louder, please, Mr. Simpson. I cannot hear you.

The Witness: I saw it brought up, yes.

Q. (By Mr. Keele.) You protested against the use of that acid, did you not?

A. Yes, I did.

Q. What did you say about that, and to whom?

2335 A. Well, I saw it was marked "Poison", and I was afraid it would cripple somebody for life.

Q. What did you do about it?

A. Why, I protested to Carl Swanson. He was one of the fellows that brought it up.

Q. You say he was the one that brought it up?

A. He brought one carton up; I don't recall who brought the other one up.

Mr. Keele: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) You remained in the buildings until what date, Mr. Simonson?

A. Sunday.

Q. That was on Sunday of—do you remember the date?

A. About the 20th, I think.

Q. The 20th?

A. Yes.

Q. I believe you received a notice that your wife was ill, is that right?

A. I did.

Q. The boys told you to go home, did they not?

A. I talked with Luther Henry through the window. He told me to try and get out if I could.

Q. Did you have any trouble getting out?

A. He came back in the meantime, and talked to
2336 Carl through the front window, and then they let me go.

Q. As a matter of fact, the boys told you to go, did they not?

A. Yes.

Q. I beg your pardon?

A. Yes.

Q. They told you your job was home taking care of your wife, did they not?

A. They told me to go home. That is all they said. Carl Swanson and Ed Ruck were the two that spoke to me.

Q. They told you to go home, that your wife was sick?

A. They talked to Luther Henry and Howard Phillips through the window.

Q. They wanted to find out whether the message you received was actually a fact, is that right?

A. I suppose.

Q. You later returned to work, did you not?

A. Yes, I did, the following Wednesday after they got them out.

Q. You got your same job back?

A. Yes.

Q. You got a raise?

A. No. I didn't get a raise after I came back.

Q. Have you had a raise since you came back?

A. I haven't.

2337 Q. You participated in the general raise in November, did you not?

A. No—well, I got a raise. A certain group of us got a raise. I wouldn't call it—I don't know whether it was a general raise or not, but I did get a raise.

Q. In the fall of 1936?

A. Yes.

Q. Yes.

A. I think that was in the fall some time.

Q. You were paid for the time the plant was shut down, were you not?

A. Yes.

Q. How much did that amount to?

A. I don't know, around fifty dollars. I think it was something like \$47 or \$50, for about nine days.

Q. You were a member of Lodge 66 when this trouble broke out, were you not?

A. Yes, I was.

Q. You do not know whether you are still a member or not?

A. I don't consider myself a member, after I went back to work.

Q. You figured inasmuch as you returned to work that the Lodge did not want you as a member, is that right?

A. Yes.

Q. You, I suppose, took part in breaking the windows out?

2338 A. No, I didn't break any windows.

Q. You did not break any windows?

A. No.

Q. Did you throw any things out that day that have been talked about here?

A. No, I didn't throw anything.

Q. I suppose you ate the food that was brought there, did you not?

A. Oh, yes, I ate a little.

Q. You ate during the time you were in the buildings?

A. Yes.

Q. What particular duties, if any, did you have in the building?

A. None at all. I didn't participate in any of them.

Q. You just stayed in?

A. Yes.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Trial Examiner Dudley: We will take a short recess at this time.

(A short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order.

You may proceed.

2339 Mr. Keele: I will recall Mr. Aitchison.

ROBERT J. AITCHISON, recalled as a witness on behalf of the respondent, having been previously sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele) You are the same Robert J. Aitchison who has testified previously in this case?

A. Yes.

Q. Mr. Aitchison, after the men were evicted from buildings 3 and 5 on the morning of the 26th of February, did you have a survey made of the condition of the plant and the buildings?

A. Yes, sir.

Q. What did you find as a result of that survey to be the condition of the buildings and their contents, buildings 3 and 5?

A. Well, we knew there were a great many panes of glass knocked out that had to be replaced.

There were some places in building 5 where the wooden sash or steel sash, the whole sash, was out. There were doors that had to be repaired and replaced. Much of the machinery

and equipment had suffered from neglect. It had not been operated. It was rusty in spots.

We had to check all of the equipment just to be sure it was not tampered with, and to see that there was no grit in the oil that might get in the bearings.

There was a lot of debris that had to be cleaned up.
2340 Some of the furnaces were burned out.

Q. What was the situation with reference to the small tools and parts?

A. Well, there had been a lot of them thrown out of the windows. We were short of everything from small tools to small instruments.

Q. What about your supplies and inventory of parts?

A. Well, they all had to be checked pretty closely. We were short some contacts and short of acid. We had to get a balance, so we could function again.

Q. What about the condition with reference to the wire department, and the wire spools?

A. Well, there had been much damage there. We had to get that straightened out by getting new spools, and getting the wire checked and getting it inspected again, and in some cases re-wound.

Q. What was the situation with respect to building 6?

A. Of course, from the defacement, from the Foamite, and the neglect and the atmospheric conditions—well, all of that had to be re-done and cleaned up.

Q. What about the sprinkler system and steam pipes?

A. The sprinkler system was broken in some spots, and had to be replaced, and re-fixed. Steam pipes were broken and had to be repaired.

Q. What about the telephone system?

2341 A. They had torn off some of the instruments and used them for a communication line between building 6 and building 3. They all had to be put back in original shape.

Q. Can you state what the amount of damage to the buildings and machinery was, in dollars and cents?

Mr. Walsh: Just a moment. I wonder if it is necessary for me to renew my objection to this entire phase. I did not renew it this morning, because I assumed my objection still stands.

Mr. Swiren: Your objection is on the ground of immateriality, is that right?

Mr. Walsh: That is right.

Trial Examiner Dudley: The objection of counsel for the Board to the entire line of testimony as it has been given this morning and as long as it continues, on the ground of immateriality, shall be noted and overruled.

The Witness: What was the question?

Mr. Keele: Read the question.

The Witness: Including inventory?

Mr. Keele: Yes, including inventories.

The Witness: Between \$10,000 and \$12,000, to get it in shape again.

Q. (By Mr. Keele) What if any other losses did the company sustain?

A. Why, because of the suspension of operations, 2342 we had to continue fixed charges and overhead expenses, for a straight loss to the company. I estimate those would run about \$20,000.

Q. That is, for the period from February 17th to February 26th?

A. Until we got running again. In some departments we could not start very promptly. As a matter of fact, in some parts of the buildings there was a distinct odor of gas for two weeks which restricted operations.

Q. Was it due to lack of help, or lack of employees, that you could not start the departments?

A. Oh, no. It was due to the time that is required to get everything back in shape to run. We had plenty of people, but it takes time, a lot of time to clean up a mess like that. It took a lot of time to clean up the mess that was there.

Q. What other losses did you have, if any, outside of fixed charges and overhead?

A. We had a loss in business in the sense that we deal with a lot of large companies that rely on us as a responsible source of supply. When we are unable to make deliveries, they place orders with others.

For instance, I can give you the Ford Company, as an illustration. They used to have two sources of supply for contracts. Now, they have three. That is a loss that will perhaps go on indefinitely.

2343 Q. When did they get the third company?

A. When they want a product, they want it promptly. They want it in a hurry. When they have an interruption of deliveries from us, they turn to another source.

Q. They told you that, did they?

A. They told me that, yes.

Q. So now their business is split three ways, instead of two?

A. That is right.

Q. What does that amount to, approximately, in dollars and cents?

Mr. Walsh: Will you fix the time?

Q. (By Mr. Keele.) As the result of the stoppage of operations between February 17th and February 26th; it is the loss of business I am talking about.

A. Exclusive of any estimate on this Ford situation, I approximate it as \$30,000.

Q. That is the loss to the company?

A. Yes, sir.

Q. That is not the amount of business you lost, but it is—

A. Loss to the company.

Mr. Walsh: That is loss of profits, I take it?

The Witness: Yes. This was in the middle of a busy time. We could not deliver and they would give the business to somebody else. We could have gotten it.

2344 Q. (By Mr. Keele) In other words, your loss here, as you total it up for the period was between \$60,000 and \$62,000 somewhere?

A. We had a lot more expense, such as the expense of attorneys and things like that. There is lots more than that.

Q. I am talking now of your loss with reference to the physical property and the business.

A. That is right.

Mr. Walsh: Of course, you do not mean that the service rendered by your attorneys is a distinct loss, do you?

The Witness: It is not a loss, but it costs money just the same.

Mr. Walsh: It is an expenditure, you mean.

The Witness: It is money going away from the plant.

Q. (By Mr. Keele) That was expended principally to get your plant back, was it not?

A. That is right.

Q. Your plant was reopened on March 3rd, or thereabouts, was it not?

A. Yes. It started to open on the first of March.

Q. How long was it before it was in full operation?

A. We had the place manned by the 12th of March.

Q. By the 12th?

A. Yes.

Q. Just what was the situation confronting you, or rather, what was your problem?

2345 A. As a business proposition?

Q. Yes. What was the general problem that faced you at the time the men were evicted on February 26?

A. Why, we had a plant that had been occupied for this time, that had been neglected for a period of nine days. Windows were broken, machinery needed to be checked. We had discharged about ninety people, our force. We were far behind in the delivery of orders. Others had expected shipments sooner, and we had been shipping in an effort to keep those orders from being cancelled. We had to get into production, and we had to supply them.

2346 We had to get the place open. We had to get people in there that could operate, and beyond that we had an additional burden from the standpoint that pretty nearly everybody who purchased from us knew our troubles and our problems, and your product is subjected to a very close scrutiny for its quality when you ship, after a condition like that.

We had to get the place open, and then we had to go out to the customers and get it into their minds that we were in a position to accept orders and make deliveries, and produce a good product.

Q. What did you do to solve those problems?

A. Well, I called Mr. Anselm in after we got the plant back,—I had to rely on him for plant production—and told him we would contract as fast as we could to get the buildings repaired, and get that done as soon as we could.

I told him he would have carte blanche to go ahead and recruit a new efficient crew, to get people in there and get running, and get running as fast as he could.

I told him to get the place cleaned up, and get things under way as quickly as he could, to get the machines running, and get the product going out.

I said, "Ship what you can out of stock. You take charge of the inside, and I will go on the road and get all the customers straightened out and start soliciting business again, and we will see if we can eliminate any doubt from
2347 their minds as to our ability to take care of it."

Q. You say you told him to get a new crew.

A. Yes.

Q. What do you mean by "a new crew"?

A. Well, after a situation like this—there were several

changes that I had in mind for a considerable period of time before this happened. The changes were somewhat radical in their scope, and involved some men that had been with us for some time.

As an illustration, it had been sort of a peeve with me, as to this maintenance department, for a couple of years. It is just perfectly silly and ridiculous for a plant of our size to maintain a large maintenance department on the grounds. It is not done in small plants.

I was also of that opinion because more than a year ago I had sought bids on work that was done by our people on the inside, and I found if we contracted for it we could get it done cheaper than we could with our own crew.

There is always a tendency with a large crew to putter around and always keep busy, and never get out of work. There is always something to be nailed up.

However, if you contract on the outside, you do not have to maintain a steady force.

There was another thing I had in mind I wanted to change.

We had men working in our tool room who did the same 2348 job day in and day out for 300 days a year, which was perfectly silly. Take dies for instance. We had two men that did nothing but make dies. We could go outside, and contract for them, for 100 or 150 sets at a crack, and we could get it done in a workmanlike manner on a production basis, and get it done cheaper than the way we were doing it.

I told Mr. Anselm—

Q. Were there any other changes you had in mind?

A. Yes. In our Contact Department we had a problem that had always irritated me somewhat, largely because it kept us so far out of line with our competitors in cost.

The jobs were filled by men who had been there a long time, and the work could just as well be done by girls as by men. As a matter of fact, that type of operation depends more on sensitivity of touch than it does on physical stamina. That was the cutting department.

At to the other part, the same remarks apply; that would apply to much of the grinding and radius work, side grinding and face grinding.

I told Al when we were opening this plant we might just as well correct these things that we had had in mind for a long period of time.

I said, "We are recruiting a crew, and we are going to go ahead and open the plant. Let us make the changes we

have discussed, and do it now. There is no use of going
2349 back in the old rut. We are all through running this
place as an old women's home for some of these fol-
lows."

Q. With reference to the cutting department, you said you
had learned that you were out of line on your costs as com-
pared with your competitors.

A. Yes.

Q. Tell us a little more about that.

A. Well, in May 1935, I think it was, or in April, 1935, I
hired a man by the name of Gwinn who used to work for
the Mallory Company, which is one of our principal competi-
tors. He was placed in there as our chief contact engineer.
As such he demonstrates materials to customers and sells in
an engineering fashion.

When we would work up our costs on different jobs, Gwinn
would always point out how high we were compared to what
he knew could be done in Indianapolis. Shortly after that,
after Gwinn called that to my attention many times and
complained bitterly about it, I hired a couple of efficiency
men out of Indianapolis, who just finished the job for the
Mallory company.

When they looked at our rates, and standards and saw how
we were operating, at what high prices with men doing that
kind of work, that was one of the first things they commented
on. They said, "Here are some reasons why your costs are
out of line."

2350 I know the Krolite Company out of New Jersey runs
the same way, with women. It is not an arduous job.
It is a question of touch.

These problems concerned many individuals, employees
who had been there for a long while. I felt that in a situa-
tion like this, it was as good a time to correct it as any.

Q. Did you make any changes?

A. We did.

Q. For instance, in the contact department did you re-
place men with women?

A. Yes, sir.

Mr. Keele: Will you mark this Respondent's Exhibit No.
20 for identification, please, Mr. Reporter.

(The document referred to was marked Respondent's Ex-
hibit No. 20 for identification.)

Q. (By Mr Keele.) I show you Respondent's Exhibit No.
20 for identification, Mr. Aitchison.

A. Yes.

Q. I will ask you if a portion of that exhibit represents the men who were replaced by women in the cutting department?

A. Yes, sir.

Q. Will you just read the names of the cutters?

A. Leo Daluga, Harold Dreyer, Clarence Dreyer, Charles Fulkerson, Sr., Edward Schuman, Eric Lindberg, T. E. 2351 Fagan, William Magness, Charles Smith, Orlin Swanson and Stanley Verenski.

Q. They are all—

A. Incidentally—

Q. Three men were retained, were they not?

A. Three of these men were retained.

Q. Which men were retained, do you recall?

A. (No answer.)

Q. It is the last three, is it not?

A. I think Smith, Swanson and Verenski were retained. Is that right, Al?

Mr. Anselm: That is right.

Q. (By Mr. Keele.) Are they doing cutting jobs?

A. No. We brought them into help train the girls, and then we put them on grinding jobs which are difficult, and which require some of the skill that they have.

Q. All of the persons doing this work of cutters in the plant are now women, is that correct?

A. That is right.

Q. What has been the result in costs, after replacing the men with women?

A. Well, we have reduced our costs very substantially in two ways. There has been a reduction not only in the cost of doing the cutting work, the labor cost of doing it, but we have a very much higher degree of inspection result 2352 than we had before.

We are getting a better product than we used to get.

Q. In other words, there is less waste?

A. That is right.

Q. There are less culls thrown away?

A. Yes.

Q. There are less cutting wheels used?

A. Yes.

Mr. Keele: Will you mark this Respondent's Exhibit No. 21 for identification, Mr. Reporter.

(The document referred to was marked Respondent's Exhibit No. 21 for identification.)

Q. (By Mr. Keele.) I will show you what has been marked Respondent's Exhibit No. 21 for identification, Mr. Aitchison.

A. Yes.

Q. I will ask you if that represents a chart or table showing the comparative costs of operation—

A. Yes.

Q. —of the cutting department under the regime when the men were doing the work, and under the present regime, with the women doing the work?

A. Yes.

Q. Is that an accurate representation of those costs?

A. It was put together for me by the head of the 2353 cost department.

Q. You believe it to be accurate?

A. Yes.

Q. Will you indicate for the purposes of the record, and for the Examiner's benefit, the savings that have been accomplished.

A. Well, here is an illustration. Take this large disk, .187 by .037. In December the cost with the men was \$1.73. In January and February the cost was \$1.73. In March, the first month we put women on, it was \$1.88. In April, the second month it was 75 cents, and in May, 66 cents.

Q. In other words, your costs have been reduced to a little more than one-third of what they were, is that right?

A. That is the total average. This one I pointed out is rather a larger percentage.

Q. There has been a saving, has there not, in every department?

A. Yes, sir.

Q. That appears on this chart?

A. Yes, sir.

Q. Now, directing your attention to grinding and spinning, which as I understand it includes crowning and polishing of the contacts,—is that correct?

A. Yes. The spinning is the fixing of them to reeds and arms.

2354 Q. The grinding includes crowning and polishing?

A. That is right.

Q. With reference to this Exhibit No. 20, is there a por-

tion of it that represents or sets forth the names of the men who have been replaced in that respect?

A. That is right.

Q. Will you read those for the record?

A. Ed Brunke, Al Bunton, Bill Graimer, Stanley Grum, Victor Hertel, John Praski, Stanley Janis, William Van Treeck and Frank Nicokley.

Q. Those men have been supplanted by women, is that correct?

A. That is right?

Q. In that department?

A. Yes.

Q. Some of those men are still working for the company, as I understand it, is that correct?

A. Yes, sir.

Q. But they are in other departments?

A. That is right.

Q. Some of them are working on heavy grinding, isn't that right?

A. Yes. I do not know, but I think there are three or four or five on heavy grinding.

Q. What has been the result of your substitution of women for men in the grinding department, we will call 2355 it, of your contact department?

A. We have reduced our costs, and I think we have improved our efficiency in some senses.

Mr. Keele: Will you mark this as Respondent's Exhibit No. 22 for identification.

(The document referred to was marked Respondent's Exhibit No. 22 for identification.)

Q. (By Mr. Keele.) I will show you Respondent's Exhibit No. 22 for identification.

A. Yes.

Q. Does Exhibit No. 22 represent a chart setting forth the comparative costs of grinding under the regime when the men were used, and under the new plan whereby women are used?

A. That is right.

Q. Does that chart show—or rather, what does that chart show? Would you point out some specific items?

A. It is a comparative grinding cost per thousand pieces of specific parts we make.

Q. Yes.

A. As an illustration, take that 104—1135 operation. That is a crowning job. In December under the men it was 62.6.

Q. That is 62.6 cents?

A. Yes, cents per thousand.

Q. Yes?

2356 A. In January it was 65 cents. In February, 65 cents. Under the women, in March, the first month, the cost was 66.4 cents. It was 49.1 cents for the second month, and 44 cents for May.

Q. In other words, that cost was cut approximately one-third?

A. That is right. It was not only cut from 75 cents to 41 cents, but there was another thing that we did in this situation at the time.

We wanted to change from this piecework basis. We make a great many different kinds of contracts. No matter how careful you try to be in setting a piece rate, you are bound to create a number of inequalities.

In the reopening of the plant we discontinued all piecework, and put people in on the day work basis, which means that you add more of a burden to the foremen to see that they make good.

You do not keep them so long as you do on piecework. After all, if they are on piecework, and there is a vacant bench what difference does it make whether they come up to the average of the group or not?

Q. What does a change from the piecework basis to the hourly basis entail with reference to the worker who is not able to keep up to the standard?

A. You mean, from piecework to day work?

2357 Q. Yes.

A. The burden is on the foreman or the forelady to get a crew that can produce as they should.

Q. When a person is on piecework, he is paid according to what he does, isn't that correct?

A. The number of pieces, that is right.

Q. So if a person is a poor worker, he does not make as much money?

A. That is right.

Q. But if they are on an hourly basis, it does not make any difference whether they are a poor worker or a good worker; they get the same rate of pay?

A. They get the same rate of pay.

Q. And the company bears a loss as the result of their inefficiency?

A. That is right.

Q. Whereas the worker bears the loss in the case of the piecework?

A. That is right.

Q. Now, with reference to the spinning, what do you do in that department, that sub-department of the contact department?

A. Well, I do not think I know very much about spinning.

Q. Well, on this chart—

A. There were two that were previously used in that
2358 department that were replaced.

Q. By women?

A. Yes.

Q. They were replaced by women, is that correct?

A. Yes. That is a simple job, too.

Q. By the way, what men, if any, and how many—withdraw that.

How many men are you using in the plant instead of the maintenance department, at the present time?

A. On February 17th we had 13 men and one foreman in the maintenance department. Today we have one carpenter, one electrician, a helper for each, and no foreman.

Q. Any work of any size—

A. The jobs of any size—

Q. —you let out to contractors?

A. —we contract for on the outside on competitive bidding.

Q. Has that effected a saving?

A. Yes, very materially.

Mr. Keele: Will you mark these Respondent's Exhibits Nos. 23 and 24, please, Mr. Reporter, for identification.

(The documents referred to were marked Respondent's Exhibits Nos. 23 and 24, respectively, for identification.)

Q. (By Mr. Keele.) I show you, Mr. Aitchison, what has been marked Respondent's Exhibit No. 23 for identification.

2359 A. Yes.

Q. I will ask you if that represents a list of the men—

Mr. Walsh: Pardon me.

Mr. Keele: Yes.

Mr. Walsh: I think you gave me a copy of the same one as you had before.

Mr. Keele: Yes. That is the wrong one.

Mr. Swiren: Here is 24. (Handing document to counsel.) I will give you 23 in just a moment.

Mr. Walsh: All right.

Trial Examiner Dudley: Proceed.

Q. (By Mr. Keele.) I will ask you if that exhibit represents a list of the men—

A. This is the old maintenance department.

Q. —in the maintenance department who have been replaced by the four men you just mentioned?

A. Yes.

Q. Is that correct?

A. That is right. There is one carpenter, one electrician, and a helper for each.

Q. Who is the carpenter, do you recall?

A. The name of the new fellow, you mean?

Q. Yes.

A. He is the man who had charge of the contract work that was done when we rebuilt and remodeled much
2360 of the office. He was a carpenter there.

Q. He has a helper?

A. That is right.

Q. You have one electrician?

A. Yes, sir.

Q. He has a helper?

A. That is right.

Q. Now, there were plenty of men in these trades available after February 26th, were there not, so if you had wished to rebuild those departments, you could have?

A. As a matter of fact, a week after the plant opened, we had the applications on our desk of more than 700 people out of Lake County alone looking for work at the Fansteel Company.

We could have replaced anything, as far as help was concerned.

Q. What has been the result of the change in program with reference to the tool room? Has that effected a saving, or not?

A. Yes. We have reduced from, I think it was, 18 down to about 9. We just cut it in half.

Q. Has that effected a saving?

A. Very much so.

Q. That work is now farmed out to contractors, is that right?

A. That is right.

Q. It is now placed on a production basis in the hands of persons or companies with adequate machinery to take care of that very thing?

A. As an illustration, we used to make dies 300 days a year. We had men working on them all the time. When we were busy, and needed them, they stepped it up a little bit. If business was a little slack they made dies anyway.

As it is now, we buy 100 or 150 sets at a crack from people on the outside. They turn it out as a production job. They come in satisfactorily and cheaper than we used to be able to make them.

Q. I show you Respondent's Exhibit No. 24 for identification.

A. Yes.

Q. I will ask you if that represents a list of the men who did not return to work in the tool department?

A. It does, except for the fact that the second one is spelled wrong. It should be "Frank Moxey" instead of "Frank Mosey".

Mr. Swiren: I do not think he would want us to spell it that way.

The Witness: That is right.

Q. (By Mr. Keele.) Is it the intention of the company to retain as a fixed plan, the changes which have been made in those departments?

A. Yes; they are changes I have discussed and wanted to make before.

Q. Could you have gotten plenty of men to rebuild the personnel of the tool room?

A. Yes, sir.

Q. On February 26th?

A. Yes, sir.

Q. Competent men?

A. Yes.

Q. What orders, if any, did you give to Mr. Anselm with reference to re-staffing the plant?

A. Well—

Q. (Continuing.) After the strike, or after the men were existed on February 26th?

What did you say to him? What did you tell him?

A. I told him "We have a big job here. You take care of the plant, and I will take care of the outside. I want you to go and get a crew in there, an efficient crew."

I said that we were going to start functioning with the

changes I have mentioned, the changes in the departments being an improvement. I told him to get an efficient crew, and that I would give him *carte blanche* to do it.

2363 Mr. Keele: Will you mark this respondent's exhibit No. 25, please, for identification.

(The document referred to was marked respondent's exhibit No. 25 for identification.)

Q. (By Mr. Keele.) I show you respondent's exhibit No. 25 for identification, Mr. Aitchison.

A. Yes.

Q. And I will ask you if that represents a breakdown or analysis of production of production employees at the Fansteel Corporation, and Vascoloy Ramet, according to the bases of employment?

A. Yes.

Q. I mean by that, hourly basis, piece work, salary, or whatever it may be.

A. Yes. This was prepared from the payroll records by our cost department.

Q. What, if any, relationship is there between Fansteel and Vascoloy Ramet so far as operations are concerned?

By that, I mean, eliminating any question of financing, or any question of ownership of stock, what is the relationship? I am talking about physical operations of the plants.

A. They lean on Fansteel for many essential parts. The relationship is, if Fansteel does not run, Vascoloy Ramet cannot run.

2364 As an illustration, all of their electricity comes through Fansteel lines. The gas comes the same way. They lean on the Fansteel laboratories for all technical service. Every one of the carbide ingredients that go into their mixers, are made by the Fansteel Company. Tantalum carbide is made by Fansteel.

The finished product is made by Vascoloy Ramet. They cannot run unless Fansteel is running.

Q. For many years Fansteel made the same products that Vascoloy Ramet is now making, is that correct?

A. Prior to October 1st, 1933, it was done by Fansteel.

Q. Fansteel operated in the same building, and the work was done in the same building that Vascoloy Ramet now occupies?

A. No.

Q. No?

A. No. As the business grew, we had to set up larger

quarters, so we could get out of the Fansteel tool room, and moved it over in a building by itself.

Q. I see.

A. The carbide is made in the same place as it was before.

Q. There is an inter-exchange, as I understand it, of supervisory work, or supervisors between the two companies, is that correct?

A. There is to this extent: all technical service comes out of the Fansteel Laboratories. As to administrative service, I run both companies. As far as the treasurer's job, or the secretary's job, the same men fill those jobs for both companies.

Q. As you have stated, many of the necessary services and products used by Vascoloy Ramet come from Fansteel?

A. That is right.

Q. So the two companies operate as a unit, is that correct, as far as operations are concerned?

A. They operate together. They have to operate together. They cannot run—

Q. They cannot run inter-dependently at all?

A. No.

Q. Or rather, I should have said, "independently". They are inter-dependent, as I understand it; one has to have the other, isn't that right?

A. That is right. Fansteel can run without Vascoloy Ramet.

Q. Yes.

A. But the Vascoloy Ramet cannot run without Fansteel.

Q. Vascoloy Ramet cannot run without Fansteel?

A. No.

Q. Is that right?

A. Yes.

Mr. Keele: I now wish to offer in evidence RESPONDENT'S EXHIBITS NOS. 20 to 25, both inclusive.

2366 Mr. Walsh: I would like to have the record show my objection on the ground of immateriality.

Trial Examiner Dudley: Objection overruled. They may be admitted.

(The documents referred to were received in evidence and marked RESPONDENT'S EXHIBITS NOS. 20 to 25, both inclusive.)

Mr. Walsh: Are you through?

Mr. Keele: Yes. You may cross-examine. Were the exhibits admitted, Mr. Examiner?

Trial Examiner Dudley: Yes.

Mr. Keele: All right.

Cross-Examination.

Q. (By Mr. Walsh.) Mr. Aitchison, am I correct in my recollection that the reason for setting up a separate corporation in Vascoloy Ramet was to compromise certain patent difficulty?

That is correct, is it not?

A. No, not necessarily. In those days we did not have a lot of money. When we wound up our settlement of the patent difficulty, one of our principal customers had distributed ramet under the name of "Vascoloy". That was the Vanadium Alloy Steel Company.

When we were settling up our patent troubles, if we had not been willing to take Vanadium Alloy Steel Company with us, we would have lost the largest customer we 2367 had. Therefore, we made a deal with Vanadium Alloy Steel Company in which they put up a lot of money, and took over the sales agency to continue as part of the distribution, with a minority interest.

Obviously, it is just good business to segregate the operations, at least so they are not confused too closely with Fansteel.

Q. They took 25 per cent of the stock, as I understand it?

A. They took one-third of it.

Q. One-third of it?

A. Yes.

Q. I thought your testimony was 75 per cent of the stock of Vascoloy Ramet was owned by Fansteel?

A. No. It is two-thirds and one-third.

Q. Two-thirds and one-third?

A. Yes.

Q. Is that right?

A. Yes.

Q. I see.

A. I hope I did not make that mistake. There is no basis for it.

Q. That is just my recollection.

A. No. It is two-thirds and one-third.

Q. I may be wrong.

A. It is two-thirds and one-third.

2368 Q. Did you find in your survey of the buildings, Mr. Aitchison, damage to the machinery other than rust and neglect?

A. If there was other damage, there was very little.

Q. Very little?

A. Yes.

Q. The main thing you found was a demonstration of the principle in manufacturing known as "machinery rusts out faster than it wears out", is that correct?

A. Yes, especially if it is not running at all, and there are no windows in the place in the wintertime.

As an illustration, take a furnace. If it is not properly adjusted, it cools too fast and you crack the tubes and burn out the furnace.

That kind of stuff, we found.

Q. You found that?

A. We did not find any grit in the oil bearings.

Q. You found no deliberate vandalism, where there was deliberate destruction?

A. We found very little serious trouble with the machinery.

Q. I presume that the delay in getting your plant reopened was the delay that normally comes in starting a plant from scratch, was it not?

That is, after the cleaning up is done, after you get things cleaned up and inspected, it takes sometime for the
2369 process of manufacturing to start?

A. You mean, from February 26th, to May 12th?

Q. Yes.

A. I think we did that pretty fast.

Q. I think so myself. I think you did a pretty good job to get it going that fast.

A. You cannot start everything at once.

Q. No.

A. You cannot run 350 people in half an hour afterwards, and have them all working.

Q. It takes time to get a staff, and to get things moving?

A. It takes four hours to heat one furnace, and there were a number of other things which had to be done.

Q. I take it that you told Mr. Anselm to go ahead and get everything in ship-shape order, to get in an efficient crew, and to start working again.

Of course, it was necessary, I assume, when you changed your operations from men to women to take inexperienced help. You were unable to get any women—

A. Yes.

Q. —who were experienced in cutting contacts, for instance?

A. That is right.

Q. So it took a little time to get these girls to the point where they knew how to do it, is that right?

A. Well, they had to be trained.

2370 Q. That takes a little time, does it not?

A. Well, there was one girl there producing more than the men were by the first day she was there. It is not a long, difficult job.

Q. Does the average daily production of the girls, amount to as much or more than the production of the men?

A. It does.

Q. It does?

A. Yes, sir.

Q. Now, the average daily wage paid to the girls is considerably less than the piece work rate that was paid to the men, is that right?

A. That is right.

Q. In that way you effected a saving in the cost, is that right?

A. Well, except that I think that this requirement of the sensitive touch that most women have compared to men accounts for the lower costs we have today.

Q. That is, they do not use up so many wheels?

A. That is right, and the disks are better.

Q. There are not as many culls?

A. There are not as many burrs on the edges, or cracks, or chips out.

Q. I notice by this list of men in the grinding department—I do not know whether it appears in the cutting department or not; yes, it does—that you retained some of the older men, like Charles Smith, Orlin Swanson and Stanley Verenski, who were cutters.

2371 Were they transferred from cutting to grinding? Is that right?

A. Yes. We have some grinding jobs that are difficult.

Q. Those are jobs that require—

A. That are unusual.

Q. —a degree of skill and experience, I suppose, and may have some fatigue connected with them, is that right?

A. Yes. They have to be a little—well, it is a heavier job than the others.

Q. Then in the grinding department, I believe you said there were some men who were taken back and transferred to other jobs?

A. They were taken back and used to train new help, and then given other work.

Q. They were the trainers of the new girls just starting out, is that right?

A. That is right. Then we gave them other work when we got them started.

Q. I see. I do not recall what the situation was in the spinning department. Can you tell me about that?

A. I do not know much about that, except that these two men are not working there. Girls are working in the 2372 spinning departments.

Q. So really even you do not know—

A. I know these men are not working there.

Q. Exhibit 21 correctly reflects the difference in cost, is that right?

A. Yes. We carry pretty detailed costs in our place.

Q. Yes. The largest amount of reduction in cost has been accomplished by the saving in wages, is that correct?

A. Well, a better product that adds to the cost, less scrap—you figure cost on that, plus the fact that there is good production, and with a certain amount of fixed expense indicates a reduction in cost alone.

Q. By the way, most of these men in the cutting department have been with you a number of years, have they not?

A. Yes, they have.

Q. You never discussed with them the contemplated change in the company's manufacturing policy, did you?

A. We had some discussions at the time these so-called efficiency experts were there. Although a number of discussions were had at times, we thought the boys were satisfied.

A couple of times they expressed dissatisfaction. I said, "Well, we will make an adjustment here." Naturally, we did not tell any man in the cutting department that we would like to get girls in there to do their jobs, although we did tell them that was what our competitors were doing.

Q. Now, going over to—

2373 A. It is right to say that as a matter of record the price level of contacts has been steadily declining for the last five or six years?

Q. I think it would be pertinent to do it.

A. I mean that in the sense that the price reached for certain jobs is way down from what it used to be.

Q. Is that due to quantity production, or just the manufacturer driving you down on the price?

A. I think it is due to the pressure of the purchasing department of people like Ford, General Motors and others.

Q. When they want something, they want it right away; they want it yesterday, is that it?

A. Yes. They play one against the other.

Q. By the way, the possibility of your labor troubles, I presume causes some sales resistance, is that it?

A. Yes, sir.

Q. After this trouble occurred it was necessary for you to take a trip around to various places to see your customers and assure them you were able to take care of your business?

A. I think everybody else in the sales department helped to go around and see them.

Q. Whom did you call on, Mr. Aitchison?

Mr. Keele: I do not think that is proper.

Mr. Swiren: We object to that.

Mr. Walsh: I do not mean to find out who your customers are.

2374 Mr. Swiren: We do not want Mr. Collins and his C. I. O. to try boycotting them. That probably is the idea.

Mr. Walsh: What I want to find out—

Mr. Swiren: Of course, the law would not boycott the C. I. O. at all.

Mr. Collins: I do not think it bothered the Fansteel Corporation very much.

Mr. Walsh: I move that all of this acrimonious discussion between counsel go out of the record.

Trial Examiner Dudley: What is the basis of the objection?

Mr. Swiren: I do not think it has any pertinency one way or the other, as to who their customers were.

Mr. Walsh: I will reframe it.

Mr. Swiren: Reframe it so as to say "outside of the state" or something like that. That is what you are interested in, is it not, Mr. Walsh?

Q. (By Mr. Walsh.) Many of these customers upon whom you called were outside of Illinois, were they not?

A. Yes.

Mr. Walsh: That is what I wanted to get.

Mr. Swiren: There is no objection to that.

Mr. Walsh: I do not care who his customers are.

Q. (By Mr. Walsh.) They were located in many
2375 states, were they not?

A. Yes—well, what do you mean by “many”? A dozen?

Q. More than one.

A. Yes, a dozen.

Q. They were in a dozen states?

A. Yes.

Q. Now, going to this estimate of your damage, you did not give us any estimate of the damage of this various litigation—or rather, the cost of the various litigation. Do you care to make a speculation as to how much more that would be?

Mr. Swiren: We object to that unless it is limited to the litigation in connection with the return of the buildings. We have not any objection to that. That is the only pertinent question here.

Mr. Walsh: If you are going to put it in, the tail ought to go with the hide. You ought to tell the whole story.

Mr. Swiren: The whole story is the cost to the company of getting back the buildings.

Mr. Walsh: I do not think that is—

Mr. Swiren: The only question involved here is the cost to the company of getting back the buildings that were illegally seized. We are making no complaint with respect to the cost of the Labor Board hearing, or such expense as that. I do not think that is pertinent.

Trial Examiner Dudley: I will sustain the objection.

2376 Mr. Walsh: All right. Read the question, please,

Mr. Reporter.

(The question was read.)

Mr. Swiren: You asked about the entire cost of litigation. You excluded nothing. As to that portion other than that which was incurred trying to obtain possession of the buildings from the men, the objection was sustained.

That leaves a portion of the question, if you want to proceed on that.

Trial Examiner Dudley: The question would be then: what is the attorney's bill for handling the suit in the Circuit Court?

Mr. Swiren: That is not the question; it should be just the cost generally.

Mr. Keele: That would be only a portion of the cost.

Mr. Walsh: It is not important for me to press the point.

Q. (By Mr. Walsh.) There was a considerable expense, I expect, was there not?

A. (No answer.)

Mr. Walsh: The witness nodded his head "Yes".

Mr. Keele: We saw to that.

Mr. Walsh: I imagine so.

Q. (By Mr. Walsh.) Now, refer to exhibit No. 25, Mr. Aitchison.

2377 A. Yes.

Q. I presume you are not familiar with the figures there yourself reflecting the employees, are you?

A. They were put together by the Cost Department after I told them what to do. Then, when I did not get what I wanted, I told them to do it again.

Q. What I want to do is get the best information I can. I just suspected that you would not be able to give me the information I want. It would be reflected by your records, and I assume that some one more intimately familiar with the records would be able to tell me.

Assume that I took the application you filled out for membership in the Metal Trades Association, and examined you on each one of those various classifications, could you tell me the number of employees you had on September 10th, September 21st, and September 17th?

A. No.

Q. I did not think you could.

A. No.

Q. There is no use of going into that with you, when some other person would know that.

A. No.

Mr. Swiren: If you will tell us what you want with respect to that, we will take it out of the records, and give it to you.

2378 Mr. Walsh: Could you do this for me, then: the application that you filed when you applied for membership in the Metal Trades Association—

Mr. Swiren: This does not have to be in the record.

Mr. Walsh: No.

Mr. Swiren: Do not put this in the record, Mr. Reporter. (Discussions outside the record.)

Mr. Walsh: Will you mark this Board's exhibit No. 36, please, Mr. Reporter.

(The document referred to was marked Board's Exhibit No. 36 for identification.)

Q. (By Mr. Walsh.) Mr. Aitchison, I now hand you what has been marked Board's exhibit No. 36 for identification.

A. Yes.

Q. This is a document which has been prepared by your counsel, and handed to me. It is entitled "Range of Pay of Employes of Fansteel Metallurgical Corporation." It does not appear to have any date on it.

Do you know whether that is the wage range in effect now?

A. Yes.

Q. That is, at this time?

A. Yes.

Q. All right.

2379 A. That is of this time, yes.

Mr. Walsh: I would like to offer that in evidence as BOARD'S EXHIBIT NO. 36.

Mr. Swiren: We object. We cannot see that the wage range has any materiality to any of the issues here.

I do not know of any issue in this case that is even remotely connected with it.

Trial Examiner Dudley: Your objection is to the immateriality of it?

Mr. Swiren: Yes.

Trial Examiner Dudley: Objection overruled. It may be admitted.

(The document referred to was received in evidence and marked BOARD'S EXHIBIT NO. 36.)

The Witness: This is the thing you asked us to get, is it not?

Mr. Swiren: Yes.

Mr. Walsh: Yes.

The Witness: That is right.

Trial Examiner Dudley: Proceed.

Q. (By Mr. Walsh.) Do you have any insurance against labor difficulties?

A. We have use and equipment insurance and riot and civil commotion.

Q. I will ask you whether you made a recovery of
2380 any of your expenses or losses on your insurance policies?

A. So far we have made no recovery.

Q. You have made the proper claims, and filed proofs?

A. I do not think a claim has been filed. There have been more discussions, than anything else. Every 30 days they give us another 30 days, so they can think up what they do with sitdown strikes.

Q. They are reading the fine print in the policy to see whether they owe you anything or not, is that it?

A. We read it too. We have a different opinion, of course.

Q. You are taking steps to protect your rights on those things?

A. Yes. It will be a precedent in the United States, so they are moving slowly, and we are satisfied with it.

Q. When did you take that policy out, do you remember?

A. More than a year before the trouble. I had some insurance counsellors in Chicago go over all of our insurance. All the insurance we carried was in a blanket form, and I wondered if we really had—

Q. The proper coverage?

A. The proper coverage.

Q. Yes.

A. I do not think that any of the men in our office, although they know something about insurance, are experts at it. At that time, they worked out a comprehensive 2381 schedule of changes in policies reading in blanket form. They suggested some insurance we did not carry that they thought we should.

They pointed out the inadequacy of use and equipment insurance if we had any kind of a—

Q. Fire.

A. Fire.

Q. Yes.

A. They also worked out a proposition whereby if we took their recommendations on a five-year basis, paying for it five years in advance, the additional cost to get maximum coverage would only be a very small amount each year, \$500 or \$600 a year.

At that time we revised the whole structure.

Q. You prepay your insurance?

A. We pay it on a five-year basis. I think the policies are actually issued early in March, 1936.

Q. Yes. That was part of the general revamping?

A. That included coverage in case one of those student airplanes across the street dropped on the building. It is a hazard, Mr. Walsh, in the sense that you have to sue the United States Government for that damage.

An airplane dropped on the main field once, just 100 feet or 200 feet across the tracks. I have often said that if one of them is going to fall, I hope they let me pick the build- 2382 ing it is going to fall into.

Mr. Walsh: I think I have no further questions at this time—just a moment.

Q. (By Mr. Walsh). After the plant reopened, do you know whether or not a man by the name of Pixley was engaged to interview applicants?

A. Pixley?

Q. Yes.

A. No.

Mr. Anselm: What was that name?

The Witness: Pixley?

Mr. Walsh: Pixley.

Mr. Anselm: I never heard of the man.

The Witness: I did not either.

Mr. Walsh: All right. That is all.

Mr. Keele: I have just one more question.

Redirect Examination.

Q. (By Mr. Keele.) Mr. Aitchison, when you were talking with Mr. Anselm with reference to re-staffing the plant, and you told him to get a crew together, did you give him any instructions with reference to whether or not there was to be any discrimination as between members of Lodge 66 and men who were not members of it?

A. Absolutely none.

Q. Insofar as you know, was any discrimination
2383 practiced with reference to that?

A. No. We have a number of those men back at work.

Q. 62 of these men were members of Lodge 66, were they not?

A. According to the cards as we saw them the other day, yes.

Q. That is one way—

A. That is how I know it, today. I did not know it at the time. There was no discrimination.

Q. In rebuilding the crew or personnel of the plant, you needed some new employes, did you not?

A. Yes, sir.

Q. One very notable instance of that was the question of substituting women for men in the contact department?

A. That is right, and the grinding department.

Q. You did not make any arrangement for temporary employes, for those people who came in to do that work, did you; you hired them as permanent employes, did you not?

A. Oh, yes. We took them on and if they made good in a week or two weeks, it was steady employment.

Q. You expected to continue to employ those people?

A. Yes.

Q. So long as they did the work?

A. Yes.

Q. And the employes understood if they made good in the job they were to stay on?

A. Yes, sir.

2384 Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: I would like to ask you a few questions.

The Witness: Yes.

Examination by Trial Examiner Dudley.

Q. (Trial Examiner Dudley.) You testified back on the first day of our hearing, I believe, and you testified also today regarding the reopening of the plant.

Could you tell me what went on with regard to the different stages of reopening from February 26th when you got control of the plant until March 12th when you testified you were fully manned?

A. Well, the steps that were—

Q. Did you, for example, get any work done in the plant during the week that included the 26th?

A. Well, the 26th was Friday, was it not?

Mr. Anselm: That was Friday.

The Witness: I think on Saturday we had all of the foreman and a few men in there, just cleaning up. Then on Monday we also bought the glass. On Monday we had about 20 men from the Waukegan Glass Company, A. F. of L. Craftsmen take over the contract to put in the glass.

We hired Ball and Rectenwald to do all the sash work and the fitting.

2385 Q. (By Trial Examiner Dudley.) That was on March 1st.

A. Yes. We had Killian in there to do the steamfitting.

Q. About what time did they get the glass in?

A. In three or four days.

Q. That would be March 3rd, 4th, or 5th?

A. Yes.

Q. Yes.

A. We started some ore in process in the Chemical Building. We started the sintering furnaces one at a time.

Q. When did they get started?

A. I think they were going perhaps about the 1st or 2nd of March. When we first started to operate the furnaces, we started to operate them by laboratory people. We took men out of the laboratory to get the furnaces running, to get the bars in.

One by one, as we put men on, we put the laboratory people back in the laboratory.

Q. Do you know how many people you had working on March 1st?

A. May I ask Mr. Anselm something?

Trial Examiner Dudley: Yes.

The Witness: He wants to know how many employees we had on the 1st of March.

Mr. Anselm: What was the question?

The Witness: How many employees did the company 2386 have on the 1st of March. That was Monday, was it not?

Tuesday was the 2nd, was it not.

Trial Examiner Dudley: Monday was the 1st.

Mr. Anselm: We had the foremen and a few others.

The Witness: It was not over 20, was it?

Mr. Anselm: Oh, yes. It would be 35 or 40.

The Witness: It would be 35 or 40.

Q. (By Trial Examiner Dudley.) How many did you have on March 3rd? I just want to get a picture of your pick-up.

Mr. Keele: May I say that Mr. Anselm will be the next witness, and I think he can give you that in more detail. I think he knows that a little more in detail than Mr. Aitchison.

Trial Examiner Dudley: Then, I will ask Mr. Anselm about that.

The Witness: He knows that better than I do.

Trial Examiner Dudley: I would like to ask you one more question.

Q. (By Trial Examiner Dudley.) How many employees do you have now?

A. There are 391 including 61 with Vascoloy Ramet.

Mr. Walsh: 81 was that?

The Witness: No. 81 is with the bottom group here, you see.

Mr. Walsh: I see.

2387 The Witness: There are 10 Vascoloy Ramet administratives and 51. The total is 391 on June 11th.

Q. (By Trial Examiner Dudley.) That is, 391 on June 11th, including Vascoloy Ramet?

A. Yes. That is on this exhibit 25, where we broke it down. That is the total.

Q. That is the total?

A. Yes. There is the breakdown.

Q. Have you let anybody out since this hearing started?

A. I did not. I do not know what the shop men did.

Mr. Anselm: Since the hearing started?

The Witness: They did not let anybody out, did they?

Mr. Anselm: I do not think so.

Q. (By Trial Examiner Dudley.) On June 10th, did you testify there were 410, or is that not correct?

A. That is what I thought it was. Here it says 391 on June 11th.

Q. Which is right?

A. I guess 391 is right, because it came off the cards. The 410 was conversation to me.

Mr. Walsh: Then, you would like to have the record show that your testimony is to be corrected?

The Witness: I would like to say that it appears on the payroll this way.

Q. (By Trial Examiner Dudley.) The 391 includes 2388 10 from Vascoloy Ramet?

Mr. Swiren: 61.

The Witness: 61.

Mr. Walsh: 61.

The Witness: That is right here (indicating).

Q. (By Trial Examiner Dudley.) You will have to subtract 61 from 391—

A. To get Fansteel.

Q. —to get the number of the Fansteel employees?

A. That is right.

Q. Then, there are 330 employees at Fansteel now?

A. That would be correct.

Q. That includes—

A. That was on the 11th. Have we taken on anybody since the 11th?

Mr. Anselm: What?

The Witness: Have we taken on some more employees?

Mr. Anselm: Since what date?

The Witness: Since the 11th.

Mr. Anselm: I would not know that; possibly one or two.

The Witness: Just one or two.

Q. (By Trial Examiner Dudley.) Does this include supervisors and clerical help?

A. It is all in there.

Q. And administrative people?

2389 A. Yes.

Q. That is the grand total?

A. Yes. It does not include agents or anything like that. As I said, we dealt through agents in New York and Cleveland.

Q. This is the total number of employees?

A. Yes.

Q. Do you know how many girls you had before and after the strike, and about how many men you had before and after the strike, or would Mr. Anselm know that better than you do?

A. I think Mr. Anselm would know that better than I do. I think we had 54 girls at the time of the strike.

Mr. Anselm: 55.

The Witness: I do not know what it was.

Trial Examiner Dudley: I will reserve that for Mr. Anselm.

Q. (By trial Examiner Dudley.) What wages were these girls getting that you hired?

A. They started out at 40, did they not?

Mr. Anselm: 40, yes.

The Witness: They started out at 40.

Mr. Anselm: If we kept them, after 30 days, they got a raise.

Q. (By Trial Examiner Dudley.) Would Mr. Anselm know more about that than you do?

2390 A. Yes.

Q. I will ask him that, then.

A. All right.

Q. I have one other question.

In regard to this exhibit, referring to exhibit No. 20, I think you told us, but will you tell me again who the three men are on this list who were retained?

A. These three (indicating).

Q. The last three, you mean?

A. Smith, Kuszewski and Verenski.

Q. Smith, Kuszewski and Verenski?

A. Yes.

Q. And they do what kind of work now?

A. Grinding. They used to be cutters.

Mr. Anselm: Kuszewski works in the Chemical Building now.

The Witness: Kuszewski works in the Chemical Building?

Mr. Anselm: Yes.

Mr. Swiren: I think he testified there were six retained.

Trial Examiner Dudley: Six?

The Witness: Three grinders and three cutters.

Mr. Walsh: He is talking about cutters now.

The Witness: Judge Dudley asked me about cutters.

Trial Examiner Dudley: All right.

2391 Mr. Swiren: He was talking about the whole sheet.

Trial Examiner Dudley: That apparently refers to the whole sheet. f

Mr. Swiren: Yes.

The Witness: No, this refers to cutters. Van Treeck is working there. These fellows are there too. Frank Nickoley is there, and so is Kuszewski.

Q. (By Trial Examiner Dudley.) The last three grinders, and the last three cutters are employed by the company now?

A. These men were grinders here, were they not?

Mr. Anselm: I am not sure about—

The Witness: They were cutter, were they not?

Mr. Anselm: Orlin Swanson was a cutter. These men were never cutters here (indicating).

The Witness: They were grinders.

Q. (By Trial Examiner Dudley.) What are they working at now?

A. Van Treeck—

Mr. Walsh: What does Verenski do, grinding?

Mr. Anselm: They do heavier jobs.

Trial Examiner Dudley: Mr. Reporter, this does not need to be in the record.

(Discussion outside the record.)

Mr. Walsh: Let me ask this question—well, I will ask it of Mr. Anselm.

2392 Q. (By Trial Examiner Dudley.) Referring to exhibit No. 23 now, exhibit No. 23 indicates that the total number of jobs in the Maintenance Department was reduced from 14 to 4 men.

A. Yes.

Q. Now, you say 4 men were retained?

A. They are not any of these.

Q. They are not any of those people?

A. No.

Q. Let me ask you this: are all of the men listed on your exhibit 23 now not employed by the company?

A. They are not employed.

Q. None of them are employed.

A. No.

Q. The four men who are now working in what you might call the Maintenance Department that were mentioned in exhibit No. 23 are new employes or old employes, which?

A. We had a major job in the office—

Q. Were these four men hired or employed by the respondent before the strike?

A. No. We let these jobs out on contract, you see. At the same time we had this maintenance crew, we let jobs out. One of these men was in charge of—

Q. You testified before that you have no one doing maintenance work outside of the work you let out by contract, except one carpenter, one electrician and two helpers.

2393 A. Yes.

Q. Were those men employed by the respondent before the strike?

A. No, sir.

Q. Refer to exhibit No. 24, please.

A. Yes.

Q. I want to verify what the exhibit states. Is it true that none of the men listed in exhibit No. 24 were employed after the strike?

A. None of them have come back.

Q. All of these men were employes before the strike?

A. Yes, sir.

Q. They are not employes now?

A. That is right.

Trial Examiner Dudley: I think that straightens it out.

Mr. Keele: I have just one more question.

Q. (By Mr. Keele.) With reference to the men in the maintenance department, you said that the four men now in the department, or doing that work, have been employed by the company as employes.

However, one of these men at least had been hired by the company, or had worked for the company as a contractor, or had worked for a contractor?

A. Yes. He was in charge of the job we let out for the office.

2394 Q. He was employed by an independent contractor?

A. He was employed by an independent contractor.

Q. The record he made was such that you wished to have him in your employ?

A. I will tell the world it was. It was a good one.

Q. I have one other question.

A. All right.

Q. I understood you to say that there are more employees now than there were in February, 1937. Is that correct?

A. That is right.

Q. Has the production of the company increased since 1937?

A. Yes, and the business has increased.

Q. Materially?

A. Yes, sir.

Mr. Keele: That is all.

Mr. Walsh: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Trial Examiner Dudley: We will take a recess at this time until 1:30.

(Whereupon, at 12:00 noon a recess was taken until 1:30 o'clock p. m.)

After recess.

(The hearing was resumed at 1:30 o'clock p. m. pursuant to recess.)

2395 Trial Examiner Dudley: I will call the hearing to order. You may proceed.

Mr. Swiren: If the Examiner please, I want to call attention to the fact that we have served a copy of the amendment to the answer on Mr. Collins on behalf of Lodge 66, who has accepted that service.

Is that right, Mr. Collins?

Mr. Collins: Yes. That is O. K.

Mr. Swiren: I would like to offer in evidence at this time respondent's exhibits 26, 27, 28 and 29.

Mr. Walsh: I am objecting to them on the ground of immateriality.

Trial Examiner Dudley: Objection overruled. They may be admitted.

(The documents referred to were received in evidence and marked RESPONDENT'S EXHIBITS NOS. 26, 27, 28 and 29.)

Mr. Keele: Mr. Anselm take the stand, please.

A. J. ANSELM, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) Mr. Anselm, you have testified before in this hearing?

A. I have.

Q. Directing your attention to about the time the men were evicted from buildings 3 and 5 on February 26th, 2396 did you have any conversation with Mr. Aitchison with reference to the rehabilitation of the factory at that time?

A. Yes, I did.

Q. Where and when did that take place?

A. It took place in his office.

Q. About when?

A. About the 27th or 28th of February.

Q. All right. Just what was the substance of that conversation?

A. Well, he told me to go down and build a new organization, taking back any men I saw fit.

Q. Did he discuss ways and means of doing it?

A. Well—

Q. Did he tell you whether or not you were to issue a general call, or send out men?

A. No. He told me I should do as I saw fit.

Q. He gave you full responsibility, is that correct?

A. He did.

Q. Did he give you any instructions with reference to the employing of men who were union men, or otherwise?

A. No instructions.

Q. Was that discussed?

A. It was never discussed.

Q. All right. What did you do after your conversation with him?

2397 A. I believe it was the following Monday morning, March 1st—I think that is the correct date—I called all the foremen, and I told them we had a badly wrecked plant, and laid out a plan of procedure for rehabilitating that plant.

I told them I would depend upon their recommendations to a great extent in reemploying men, and they could recommend employes regardless of any union affiliation. We proceeded on that basis.

The foremen went out after several of their key men, and some they succeeded in getting, and others did not come back.

They got the key men into the plant, and they started cleaning up the plant. We had an outside contractor come in to replace the glass, and help clean up.

Q. Let me interrupt you and ask you whether or not in your talks with the foremen, you told them whether or not there was any condition attached to the reemployment of the men?

A. There were no conditions attached to reemployment.

Q. Did you tell the foremen to hire them, or to send them in to you first?

A. I believe I told them to send most of them in to me.

Q. Did you in any instance refuse or fail to employ anyone sent in by the foremen with their recommendation?

A. I did not.

I employed practically everybody that came back.

2398 Q. Had you had any discussion prior to February 17th, 1937 with reference to the abolishing of certain departments?

A. Yes. I talked that over with Mr. Aitchison.

Q. What was the substance of that discussion?

A. Well, one department in particular, the maintenance department—I recommended that we do away with it and substitute private contractors.

We also talked over the question of substituting girls in our cutting department, to do grindings and a number of other jobs, so as to get in line with our competitors.

Q. What about your tool room?

A. As to our tool room, we decided that inasmuch as we made large quantities of dies, Torrington swagers, we should move into a shop that had production machinery for those dies.

We later did have those dies made by an outside tool shop.

Q. At the time you talked with Mr. Aitchison with reference to the re-staffing of the plant, was there any discussion with reference to the things about which you have just spoken, or along the lines you have just testified?

Was it discussed as to what you were going to do?

A. Yes. It was decided, inasmuch as we were going to drop the maintenance department, we did not need a maintenance foreman. That was one of the phases we discussed.

Q. Did you determine whether or not you were at 2399 that time going to abolish the maintenance department?

A. It was finally determined, on the 25th, I believe, of February, that we would do away with it.

Q. That is while the men were still in the buildings?

A. That is right.

Q. What was the case with reference to the tool room?

A. As to the tool department, we decided to get along with a skeleton force, enough to keep up our repairs.

Q. What about the contact department, the cutting, grinding and so forth?

A. In the cutting department we decided to substitute girls for men. It really takes a girl's touch. We did do that after the evacuation of the plant.

The same procedure was carried out on our grinders.

Q. Now, Mr. Anselm—

A. (Continuing) —and I believe on two spinning machines.

Mr. Walsh: What was that last answer?

Mr. Swiren: "On two spinning machines."

The Witness: On two spinning machines.

Mr. Walsh: All right.

Q. (By Mr. Keele.) I now hand you respondent's exhibit No. 20 which purports to be a list of men replaced by women employes in the grinding department, the spinning department, and the cutting department of the contact department.

Will you indicate which of these men, if any, were 2400 retained?

Mr. Swiren: And what they are doing now?

The Witness: We retained Stanley Janis. He is on his old job, grinding contacts. He grinds heavier and more complicated ones.

William Van Treeck is setting up the jobs for the girl grinders. His former job was grinding.

Frank Kuszewski—is that the way you pronounce it?

Mr. Swiren: Spell it for the reporter.

The Witness: K-u-s-z-e-w-s-k-i. He is stamping and repairing. I believe that was his old job.

Frank Nickoley is on his old job of drilling carbon jigs.

Under cutters, we have taken back three. Charles Smith, who is a former cutter, and did a little instructing of new girls, is in the Northrup furnace department. Orlin Swanson was one of the old cutters. He is now in the Chemical Building.

Stanley Verenski; his old job was plating. He is now back on the job.

Q. (By Mr. Keele.) Mr. Anselm, what is the fact with reference to the rehiring of men who were in the buildings during that period from February 17th to February 26th, who applied?

A. They were rehired if they applied for their jobs, and their foremen approved of their work.

I talked with them, and if I thought they were all 2401 right, and they would make good in the new picture, I hired them.

Q. Were there any men who were not rehired who applied for jobs that had been in the sitdown?

A. I believe there were three. One was Joe Petraitis. I explained to him that his work was now being done in an outside tool shop, and his job was abolished.

The other gentlemen who applied I believe, were Mr. Aigner and Mr. Hoff.

Q. Was Aigner rehired?

A. No. They were not rehired. Their foremen asked for younger men.

Q. How old was Aigner?

A. He must be in his seventies, somewhere. Mr. Hoff was seventy-four.

Q. Why was he not rehired? Why was not Aigner rehired?

A. His foreman asked for a younger man.

Q. As a matter of fact, Aigner was really a pensioner around there, was he not?

A. Yes. He is not an old man in point of years. He was hired in recent years.

Q. You say he was not an old man in point of years?

A. No.

Q. He had not been with the company a great while?

A. No.

Q. What did his job consist of?

2402 A. One was a sweeper. The other, I believe, was tool crib attendant. Mr. Hoff was tool crib attendant.

Q. How old was Mr. Hoff?

A. 74.

Q. Did you have any other man to your knowledge, in the plant doing labor who was 74 years old?

A. No.

Q. Did you have anyone else in the plant 74 years old doing labor?

A. No.

Q. What about Ed Ruck?

A. Ed Ruck applied for work and told me he was through with the C. I. O., and had resigned as an officer of the union.

I told him that did not make any difference to me, whether he was through with the C. I. O. or not. I told him I was not interested in the C. I. O. "Well" he said, "I want to come back." I says, "Well, Ed, you have applied too late. I have got a good man on your job now. But I will tell you what I will do with you. I will find you a job in Chicago, if you want it."

I proceeded to do that. I got the information back to Ed Ruck, as to where he could get this job. Whether or not he took it, I do not know.

Q. When did he apply for employment?

A. About the 15th of April.

2403 Q. I see. The plant had then been in full operation for over a month, is that correct?

A. Just about a month.

Q. Now, those four men that we have just mentioned, Aigner, Hoff, Petratis and Ruck were all in the sit-down, were they not?

A. They were—no. Hoff was not in the sit-down.

Q. Hoff was not?

A. No.

Q. The other three were?

A. Yes.

Q. Now, aside from these four men, or these three men and Hoff, every man who was in the sit-down who applied for re-employment was rehired, was he not?

A. That is my belief. I interviewed a great many men.

Q. How many men does that make who applied for re-employment and were rehired by the company who had been in the sit-down?

A. At least 37.

Q. Were any limitations or conditions placed upon the men who came back and asked for re-employment who had been in the sit-down?

A. None whatever.

Q. That is, limitations with respect to re-employment?

A. None whatever.

Q. Now, Art Holm, Sr. was foreman of the maintenance department up until February 25th, was he not?

A. That is correct.

Q. On the 25th of February a letter was written to him advising him of his discharge as of that date, is that correct?

A. That is correct.

Q. Will you tell us why Art Holm was discharged?

A. That particular day was selected—

Q. I refer to Art Holm, Sr.

A. That particular day was selected because Mr. Aitchison and I decided we would no longer have a millwright department.

Q. What do you mean by "millwright department"?

A. Or a maintenance department.

Q. He was the foreman of that department?

A. He was. We no longer needed a foreman.

Q. Were there any other reasons that entered into his discharge?

A. Yes, quite a number.

Q. State them, if you will.

A. Well, written orders were given to him, and they were neglected.

Q. All right. What else?

A. Some of them were of an emergency nature.

Q. Some of them were what?

A. Some of them were of an emergency nature.

Mr. Keele: Just a moment, now, while I have these marked.

2405 Mr. Swiren: You had better have this pink group marked as one exhibit, with sub-letters.

Mr. Keele: All right. Mark this Respondent's Exhibit No. 30, Sub-letters A to G both inclusive.

(The documents were marked Respondent's Exhibit No. 30, Sub A to G, both inclusive, for identification.)

Mr. Keele: Now, will you mark these Respondent's Exhibits Nos. 31, 32 and 33, please, Mr. Reporter.

(The documents referred to were marked Respondent's Exhibits Nos. 31, 32 and 33, for identification.)

Q. (By Mr. Keele.) I hand you what has been marked Respondent's Exhibit No. 33 for identification, Mr. Anselm.

A. Yes.

Q. I will ask you what that exhibit is.

A. That is a written instruction to use a new form for reporting labor on the various jobs.

Q. To whom was the order directed?

A. The order is directed to Holm.

Q. By whom is the order signed?

A. I signed it.

Q. As of what date?

A. December 9, 1936.

Q. All right. Did Mr. Holm comply with that order?

A. He did, for five days.

2406 Q. After which, what happened?

A. After which he neglected to do as that order directed.

Q. Now, I hand you what has been marked Respondent's Exhibit No. 31 for identification.

A. Yes.

Q. I will ask you what that exhibit is.

A. That is an order to make a move in the tantalum fabrication department over the weekend. It orders him further to put enough men on that job to complete it before the following Monday morning.

Q. To whom was the order addressed?

A. That order is directed to Holm.

Q. By whom is it signed?

A. I signed it.

Q. You were plant superintendent—

A. I was.

Q. —at the time these orders were signed?

A. I was.

Q. What date is that order signed?

A. That order is dated October 15th, 1936.

Q. All right. Did he comply with that order?

A. He got the job 50 per cent done. In my opinion that job could have been easily done over that period.

Q. I show you what has been marked Respondent's Exhibit No. 32 for identification.

2407 A. Yes.

Q. I will ask you what that is?

A. A general order.

Q. I beg your pardon.

A. You gave me the wrong order. It was the one ahead of that.

Mr. Keele: I will withdraw the question with reference to Respondent's Exhibit No. 32. Mark this Respondent's Exhibit No. 34 for identification, Mr. Reporter.

(The document referred to was marked Respondent's Exhibit No. 34 for identification.)

Q. (By Mr. Keele.) Mr. Anselm, I show you what has been marked Respondent's Exhibit No. 34 for identification.

A. Yes.

Q. I will ask you what that exhibit is.

A. That lists a number of jobs to be done.

Q. To whom is the order directed?

A. It is directed to Holm.

Q. It is signed by whom?

A. I signed it.

Q. As of what date?

A. As of October 7th, 1936.

Q. At which time you held the position of what?

A. Plant superintendent.

2408 Q. All right. What, among other things, does that order direct Holm to do?

A. It directs him to install suitable insulation in the die polishing room, under carpenter work, and also under the same title, Item 4, it directs him to repair the skylight in building 6.

It was to be finished in the month of October.

Q. With reference to the first part of the order which has to do with the installing of suitable insulation in the die polishing room, the order was given on October 7th, to be done in the month of October?

A. Yes.

Q. When, if ever, was it completed?

A. As to the skylight, it was never completed. After the evacuation of the employees from the plant, we called in a contractor and he finished the job, or he did the job.

Q. What about the installation of the insulation?

A. I would judge that he had that about three-fourths of the way along on February 17th, 1937.

Q. In other words, so long as he was employed by the company, he never did finish that job, or see that it was finished?

A. No. He did not finish either job.

Q. Did he ever discuss with you the question of delaying, or the problem of delaying the work on these two jobs?

A. The items pointed out there were jobs to be
2409 done without delay.

Q. Did he ever get permission to delay the work on them?

A. He never did.

Q. I will show you Respondent's Exhibit No. 30—

Mr. Swiren: Wait a minute.

Mr. Keele: I will withdraw that question with reference to Exhibit No. 30.

Q. (By Mr. Keele.) I will show you Respondent's Exhibit No. 32.

A. Yes.

Q. I will ask you of what that consist?

A. What it says?

Q. What is it, an order, or a memorandum, or what?

A. No. This in an order.

Q. To whom?

A. To Holm.

Q. From whom?

A. Myself.

Q. Is it signed by you?

A. It is signed by me.

Q. As of what date?

A. November 23rd.

Q. You were plant superintendent at that time?

A. I was.

Q. What does it order Holm to do?

2410 A. It calls his attention to Items 3 and 4 listed under building 6, that he was instructed to do during the month of October.

Q. In other words, it refers back to Respondent's Exhibit No. 34, does it not?

A. That is correct.

Q. It calls his attention to the orders that were given him in Respondent's Exhibit No. 34?

A. That is correct.

Q. What does it say? Will you just read what it does say with reference to those items, 3 and 4?

A. "I am calling your attention to Items 3 and 4 listed under building 6. You were instructed to do this work during the month of October."

Now, Item 3 is to repair the skylight in building 6, and item 4 is to insulate the die polishing room. It further states that the room is too cold. This is on November the 23rd.

Q. That was a month and a half after the previous order of October 7th?

A. That is right.

Q. What did Holm do about it then?

A. Well, he didn't do anything about the skylight.

Q. What did he do about the insulation?

A. He did some work on that.

2411 Q. Did he ever make any explanation for his failure to finish those jobs as ordered?

A. Yes. He said he had his carpenters busy over in the carpenter shop. I checked that up, and found that the carpenters were working on tables and benches that we would not need for several weeks to come.

Q. I show you Respondent's Exhibit No. 30 consisting of seven slips of paper.

A. Yes.

Q. I will ask you if you will examine that exhibit and tell us what those various sheets of paper are. What are they, Mr. Anselm?

A. That is a factory work order. (Indicating.)

Q. Directing your attention to Respondent's Exhibit No. 30-A, will you state what that is?

A. That order is in my own handwriting, and was written up February 11th. It instructs Holm to tighten up, either by calking or installing a deflector inside of certain windows in the contact department. It says "The girls are complaining of this location being too cold to work, while the center of the room is too hot. This work to be done at once."

Q. All right. Directing your attention to Respondent's Exhibit 30-A, tell us what that is?

A. That is dated 1/25/36. It directs Mr. Holm to install a new rubber ring in the dry pipe valve in building 11.
2412 It was never installed.

Q. I direct your attention to Respondent's Exhibit No. 30-C. Will you tell us what that is?

A. It calls for a partition in the basement between the cleaning unit and the centerless grinder.

Q. Directing your attention to Respondent's Exhibit No. 30-D, Mr. Anselm, I will ask you what that is?

A. That calls for a wash-bowl in the toilet room in building 5, on the first floor, to remove one toilet, and other work.

Q. What date was that given?

A. June 20th, 1936.

Q. Directing your attention to Exhibit No. 30-E, Mr. Anselm, will you tell us what that is?

A. That calls for a change of pulley on the big grinder in the basement.

Q. On what date was that order given?

A. September 1, 1936.

Q. I direct your attention to Respondent's Exhibit No. 30-F; what does that show?

Mr. Walsh: Pardon me, just a moment.

Mr. Keele: Yes.

Mr. Walsh: Was that September 1, 1937?

The Witness: 1936.

Mr. Walsh: Who wrote that order?

2413 The Witness: Luther Henry.

Mr. Walsh: All right.

Q. (By Mr. Keele) Do you know his handwriting?

A. Yes.

Q. What position did he occupy at that time?

A. Assistant superintendent, or superintendent.

Q. Directing your attention to Respondent's Exhibit No. 30-F, will you tell us what that is?

A. It calls for six braces or supports for water jackets on furnaces.

Q. Who signed that order?

A. Mr. Dow signed that order.

Q. He was then factory superintendent?

A. He was.

Q. That was January 15, 1936?

A. That is right.

Q. Directing your attention to Respondent's Exhibit No. 30-G, Mr. Anselm, tell us what that is?

A. That is an order to Holm, directing him to repair three steam lines that were leaking badly, and to install a new door at the fire escape exit on the fourth floor of building 5.

Q. That is dated when?

A. That is dated 2/11/37.

Q. Now, were all of these orders directed to Holm?

2414 A. They were.

Q. Was the work to be done, or called for in the orders, in the department in which—of which Holm was in charge?

In other words, was it work that was ordinarily done by Holm's department?

A. It was.

Q. The maintenance department?

A. Yes.

Q. Was the work on any of these orders ever done?

A. No, it was not. These orders I got out of Holm's desk.

Q. After his discharge?

A. That is correct.

Q. Now, at the time of that discharge, did you know whether or not these jobs had been done?

A. I knew that this one that I had written the order out on myself had not been done.

Q. You knew of that then? Did you know on February 25th or at any time prior thereto whether or not Holm had been neglecting his work, or his jobs?

A. I did not think he was giving his job the attention it should have.

Q. Were there any other objections to Holm as an employee, or as a foreman?

A. Well, we did not like the fact that he had master keys made on the outside. Those master keys are to be purchased by the company, and issued to one or two confidential employees. It so happened he was entrusted with one.

Q. What did you find?

A. I found when he called for his pay he turned in a foreign master key that he had made elsewhere, without authority.

Q. What explanation did he make of that?

A. "Oh", he said, "I lost the master key that was issued to me by the company. I went uptown and had another one made. For the purpose of getting it made, I borrowed a key from Mr. Nelson."

Inquiry of Mr. Nelson developed that he had not borrowed any key.

Q. Were there any other objections to Mr. Holm as an employee of the company?

A. Well, one thing I did not like happened when we were installing a hydrofluoric tank. We were anxious to get it in. We had a crane on the sidetrack.

The hold-down broke on the crane, and it was in danger of tipping over and wrecking our tank and doing general damage. At that time Carl Swanson who was Mr. Holm's assistant was directing a crew operating a chain fall. Holm got in his way, so Swanson said to get the hell out of his way, and strange as it may seem, Holm did.

Q. What about Holm's manner? I mean by that, what was his general attitude or behavior?

2416 A. Oh, I don't care about that. I can get along with a man, even if he is a sourpuss, if he does his work all right.

Q. Was he cooperative? Did he show any spirit of co-operation, or desire to cooperate, or was he cantankerous and insubordinate?

Tell us the facts with reference to that, as you found them.

A. I do not believe I care to add any more facts. I do not want to go into his private life. I do not think it belong in this hearing.

Mr. Walsh: Then I will object to it.

The Witness: Yes. You go ahead.

Q. (By Mr. Keele) Were there any other instances of inattention to work or his duty as an employee?

A. No. That is enough to get a foreman discharged about twenty times. The reason why I did not discharge him was I was looking around for a place in the watchmen's staff where I could put him, so he could have a job to round out his years in.

Q. Was that because he was an old employee, and had been there a good many years?

A. Well, yes. He had been there quite a number of years. He was a very good man in the early part of his service with the company.

Q. In other words, he had gotten to the point where 2417 he was practically a pensioner, the same as Aigner?

A. He practically had outlived his usefulness as a foreman.

Q. Is there any foreman—or rather, have you a maintenance department? I will put it that way. Have you a maintenance department at the present time?

A. Not as such.

Q. You have four men, an electrician, a carpenter, and two helpers?

A. A helper for each of the two.

Q. You have no foreman in that department?

A. We are not going to have any foreman.

Q. There is no need for a foreman?

A. We have no need for a foreman.

Q. How old a man is Art Holm, Sr.?

A. 61, or 62.

Mr. Keele: Will you mark this Respondent's Exhibit No. 35 for identification.

(The document referred to was marked Respondent's Exhibit No. 35 for identification.)

Q. (By Mr. Keele) By the way, with reference to Art

Holm, Sr., did you know on February 25th whether or not he was a member of Lodge 66?

A. I did not.

Q. According to your information was he eligible
2418 for membership as a foreman?

A. I understood that foremen were not eligible.

Q. Let us take up the case of Jasper Leskovec. Do you recall when he was discharged?

A. Sometime in November, 1936.

Q. What department was he in?

A. The chemical department.

Q. Who discharged him, or laid him off, as the case may be?

A. Mr. Presler laid him off.

Q. Did Presler give you any reasons for that?

A. Well, we were at the end of an ore run of tantalum. His services were not required.

Q. He received pay, however, until January 26th, 1937, did he not?

A. No.

Q. He got his final layoff then?

A. He just go this final layoff.

Q. I show you Respondent's Exhibit No. 35 for identification, Mr. Anselm.

A. Yes.

Q. I will ask you what that exhibit is?

A. That is our authority to pay Jospser Leskovec. It is dated 1/26/37. It explains he was laid off for a reduction in force on November 19th, 1936.

Q. By whom was it signed?

2419 A. It is initialed by Luther Henry, and signed by me.

Q. At the time of his discharge in January, and at the time of his being laid off in November, did you know anything about his union activities, whether he was a member of Lodge 66?

A. I do not know the man.

Q. You do not?

A. I am following my records, sir.

Q. Do you know the man when you see him?

A. No.

Q. Let us take up the case of John Taylor. When was he discharged, if you know—withdraw that.

What department was he in, first of all?

A. The maintenance department.

Q. Was he a full-time or a part-time man?

A. A part-time man.

Q. His divided his time between the Fansteel Company—

A. And the Great Lakes Naval Training Station.

Q. —and the Great Lakes Naval Training Station?

A. Yes.

Q. He was what you term a casual laborer?

A. He was a casual laborer. At no time was he considered an addition to our force.

Q. Why was he discharged or laid off, as the case may be?

A. He was laid off because we discontinued the millwright department.

Q. That is in line with the testimony you have given as to the abolishing of the maintenance department, or of the millwright department, is that right?

A. That is correct.

Q. Did you know whether or not he was a union member at the time of his discharge?

A. I have no knowledge.

Mr. Walsh: Let me interrupt you just a moment.

Q. (By Mr. Walsh.) Mr. Anselm, when you refer to the millwright department, is that the same department we have been talking about as the maintenance department?

A. The maintenance department, yes.

Mr. Walsh: All right.

Q. (By Mr. Keele.) Now, there were a number of women employees who did not come back, or were not re-employed or reinstated after the plant reopened subsequent to February 26th.

Did you know at that time—that is, at the time let us say from February 26th to March 15th—whether or not those women or any of them were members of Lodge 66?

A. I had no knowledge of any women being members of any lodge.

Q. By what were you controlled or guided in your selection of the women who were re-employed or reinstated?

2421 A. They were selected by the recommendation of the two foreladies involved, Mary Atkinson and Elsie Aigner.

Q. That is all you know?

A. That is all I know.

Q. My that I mean, that is all you know about those women and their reasons for not being re-employed?

A. That is all I know about it.

Q. Did you ever discuss with either Mary Atkinson or Elsie Aigner the question of the union membership of these girls?

A. I did not.

Q. Did you ever give any instructions to either of those foreladies as to the discrimination for or against members of Lodge 66 in the re-employing or reinstating of those employees?

A. None whatever.

Q. Was any mention of it ever made?

A. No.

Q. Was it your understanding that at that time—I am speaking now of the period let us say of a month subsequent to the evacuation of the men on February 26th—was it your opinion at that time that women could be members or were members of Lodge 66?

A. I had no knowledge.

Q. What was your impression?

A. My impression was that there were not any women members in this lodge.

2422 Mr. Keele: That is all on direct examination of this witness.

Trial Examiner Dudley: Very well.

Mr. Keele: We would like to offer in evidence at this time RESPONDENT'S EXHIBITS NOS. 30 to 35, both inclusive.

Mr. Walsh: No objection.

Trial Examiner Dudley: They may be admitted.

(The documents referred to were received in evidence and marked RESPONDENT'S EXHIBITS NOS. 30 Sub-A to G, both inclusive, and RESPONDENT'S EXHIBITS NOS. 31 to 35, both inclusive.)

Mr. Keele: May we have a short recess before cross-examination?

Trial Examiner Dudley: Yes.

(A short recess was taken.)

Trial Examiner Dudley: I will call the hearing to order. You may proceed.

Mr. Walsh: I have a few questions that I was going to ask Mr. Aitchison this morning, but I believe you will be better qualified to answer them.

Cross-Examination.

Q. (By Mr. Walsh.) I take it, Mr. Anselm, that at the time you returned to take over supervision of the plant, there were a number of things that probably needed changing, or you were changing the type of production, were you not?

2423 A. We are not changing the type of production.

Q. You are anticipating an increase in the amount of production you are going to have, is that right?

A. There has been a general business increase.

Q. The factory during the early part of your employment there was largely experimental, was it not?

You carried on a great number of—

A. You mean, going back into the years?

Q. Yes.

A. No. I wouldn't say it was in production.

Q. You are familiar I presume, with the booklet you published under the title "Rare Metals" in 1929, are you not?

A. Yes. I took some part in that.

Q. I believe you related in that booklet the type and kind of experiments carried on by the engineers at Fansteel?

A. I do not know what experiments you have reference to.

Q. I refer mainly to the development of tantalum, the uses for it, new processes for reducing it, processes of fabrication.

A. That may be.

Q. You are still carrying on experiments I take it in these various fields in which your company operates?

A. Oh yes; very extensive experiments.

Q. All the processes used by the company are not standard, are they? I mean, you have not reached the point
2424 where you can say "That is the best way to work this material. We will no longer have to make any changes in the way we produce it."

A. I think we would have to break up our metals in order to say that.

Q. You are still, I presume, discovering new methods of working the metals, are you not?

A. I would say the molybdenum process is pretty well fixed.

Q. That is pretty well standardized?

A. You can say the same for tungsten.

Q. How about tantalum? Do you still have some variations or changes in your processes?

A. I think inasmuch as we are the sole manufacturers of the metal, that will go on for some years to come.

Q. You have not yet reached a point in the development of your process where you can say "This is the best way we know of. We will no longer make any experiments to find out whether there is a better way to make this"?

A. I do not believe anybody's product is up to that point.

Q. However, when you refer to a change in process, it calls for a change in machinery, a change in factory setup, and one thing and another, does it not?

A. I do not recall any that has been made in the last few years.

Q. How about this tantalum fabrication?

A. That is being developed by the invention of new machinery.

2425 Q. It was more convenient to have the tool room in one place, and the fabrication in another, is that right?

A. It is more convenient.

Q. So those changes are going on from time to time, I suppose as you stabilize the process?

A. Changes are going on.

Q. Referring to Respondent's Exhibit No. 31, you say "In order to organize our tantalum fabrication department in the west half of the tool room, it is absolutely essential that this movement be made with sufficient men."

I presume when you returned to the plant, you found—that is, in September—you went through the plant and found better ways of carrying on the work that was going on, is that right?

There were things that fitted with your own ideas of running the plant?

A. I found a few spots I could improve.

Q. You were trying to serve the best interests of the company, is that right?

A. That is right.

2426 Q. This was one of those changes, is that right?

A. That was a change that was planned, and was to be put into execution when the order went out.

Q. When you issued this order, I presume you sent to Mr. Holm, a blue print showing the location of the machinery—

A. No.

Q. —and the location of the power line?

A. No. Very little machinery went in there. I took Mr. Holm up on the floor and pointed out to him the exact location for each machine that was to go in there.

Q. How many machines were moved, do you know?

A. Oh, about six.

Q. That called, I suppose, for a re-running of the power lines, the shaft lines, and belts?

A. None of these machines have any power equipment. They were welders.

Q. They were welding machines?

A. They only required the attaching of wires.

Q. Did it call for the movement of any power lines at all?

A. No, I do not think so.

Q. Or power boxes?

A. Temporary power was available, and the final power was added later on.

Q. When they could get to it?

A. When the Public Service Company could do it.
2427 It was their job, and it had no part in this move over the week end.

Q. This was just a question of taking several machines and moving them up?

A. Moving them up and having them running the next Monday.

Q. I presume he would have to move other machines out of the space into which these machines were to be moved?

A. They had to be moved out prior to that order.

Q. What became of these other machines?

A. They were moved into the tool room.

Q. They were moved into the tool room?

A. Yes, prior to that date.

Q. You said that over the week end he completed only 50 per cent of this job, is that right?

A. Just about 50 per cent of this job. That is my estimate, of course.

Q. Now, in these various work orders—or, referring to respondent's exhibit No. 34, which is your work order of October 7th, you list a number of things that were to be done.

Under "carpenter work" you have five items.

Under "exhaust system" you have six items.

Under "electrical work" you have one item, and you have three items under "steam fitting."

For the completion of this work, did you hire any additional help?

2428 A. No. Our maintenance gang, I believe, as it was—
Q. I beg your pardon?

A. I believe our maintenance gang was ample for the things listed there.

Q. You believe it was?

A. It was.

Q. You were making shipments of various materials to some chemical company were you not, in which some very extensive crating had to be done?

A. Not that I know of.

Q. You did not—or rather, you do not recall that, is that right?

A. No.

Q. I take it you furnished the various materials; I mean, those were available, were they, for this work to go forward with dispatch?

A. It is my responsibility, yes.

Q. I see. You said that he had his carpenter gang working on a lot of benches and tables that you would not need for a long time, while some of this other work was neglected, is that right?

A. My investigation there showed that we had plenty of labor. There was plenty of labor in his department, and it was available for this job.

Q. It was available for this job?

2429 A. Yes, it was.

Q. What was the labor working on at that time?

A. It was working on some cabinets and benches.

Q. I think you said on direct examination that it was some tables and benches that you would not need for quite a while.

A. That is right.

Q. Now, referring to item 3 in exhibit No. 34, I find this: "Make necessary benches for contact grinding department". Are those the benches they were working on?

A. That may have been part of the job.

Q. So, part of the job was going through while the other part was neglected?

A. Yes. I only picked out two jobs. They were cold weather jobs, both of them.

Q. Regarding this—withdraw that.

At the time you issued this order, while the factory maintenance work was going on, this was in addition to it, was it not?

A. I would say that is in addition.

Q. These were additional things that should be completed as soon as he could get to them?

A. Oh, no, not as soon as he could get to them. They were to be completed.

Q. I notice at the heading of your work order you say: "In order that you may have a clear picture of the work
2430 you are responsible for in connection with the various moves we are making and propose to make, I am outlining for your immediate consideration several jobs. The purpose in giving this information at this time is to enable you to select materials required for each job and for each move far enough in advance so we will not be held up when we get around to the job. The work listed under 'carpenter work' must be completed this month."

Now, did you take into consideration the fact that this might require extra labor?

A. Yes. I am thoroughly familiar with just how much labor it takes to do each job, the tools, the materials, and everything that goes with it. That has been my business for 30 years.

Q. In your opinion there was sufficient labor, is that right?

A. There was sufficient labor.

Q. Also, the remaining part of October—this is dated October 7th—the remaining part of October would not have been ample time with the labor and material that was available, together with the regular work that was going on, to have completed this within the month, is that right?

A. To have completed the items there such as die polishing?

Q. I am referring to carpenter work.

A. Oh, yes, on carpenter work.

Q. You are just referring to carpenter work?

2431 A. Carpenter work, yes.

Q. Under the steam fitting item, you have item 2: "Install hot water system at Building 15." Was that one of the recommendations made by Mr. Johnstone?

A. I took that job away—if you will pardon me for not answering the way you want me to—I took that job away from Holm, and took it and gave it to an outside contractor.

Q. I was wondering if it was one of the recommendations made by Mr. Johnstone.

A. Who was that?

Mr. Walsh: I will withdraw the question.

Q. (By Mr. Walsh.) Referring to respondent's exhibit No. 30-B, that was signed by "A. J. D.", I believe?

A. A. J. Dow.

Q. It says, "Install new rubber ring in dry pipe valve in Building 11". That is part of the sprinkler system I believe, is it not?

A. That is correct.

Q. In order to have repaired that and installed that new ring, it would have been necessary to have taken the sprinkler system—or at least, to have put it out of commission for two or three days, would it not?

A. No.

Q. Is it not a fact that the foreman in whose department this particular valve was to be installed said to let the thing ride along until the sprinkler service man came to see about it, and then to have him fix it?

A. I believe that says Building 11, does it not?

Q. Yes.

A. It happens to be a warehouse, and nobody works in the building.

Q. Nobody works in the building?

A. No.

Mr. Keele: What date is that, Mr. Walsh?

Mr. Walsh: November 5, 1936.

Q. (By Mr. Walsh.) Nobody works, so, therefore, it could not be under the charge of any foreman?

A. Quite right.

Q. Do you have plumbers on your maintenance gang?

A. Our steamfitters did plumbing.

Q. Your steamfitters were also plumbers, is that right?

A. They did plumbing.

Q. Now, after the men came out of the building on February 26th I believe Mr. Aitchison testified that some of the steam pipes were broken. Did you discover them to be broken? Did you see those in your survey of the building?

A. No. I think Mr. Luther Henry, my assistant did.

Q. There was no heat in the building the greater part of that time, was there?

2433 A. The heat was off a few days.

Q. So you do not know whether the steam pipes were broken by freezing, or because of some other reason?

A. Well, I would not know that.

Q. You would not know?

A. No. It was pretty cold.

Q. Did you inspect the pipes yourself?

A. It was pretty cold during that period.

Q. It was pretty cold during that period of time?

A. Yes.

Q. You did not inspect the pipes?

A. I did not have time for that.

Q. But if you had inspected them, you could have told whether they had been broken by freezing or by something else?

A. By looking at them?

Q. Yes.

A. Yes, I could tell.

Q. Now, in the change of some of these men from the jobs that they had to the jobs that they are now holding, Swanson, Smith and Verenski, I believe, were listed as—

A. Cutters.

Q. They were listed as cutters?

A. Yes.

Q. They were changed over to grinders, is that right?

A. Swanson was moved to the Chemical Building.

2434 Q. To the Chemical Building?

A. Yes.

Mr. Swiren: That is "Verenski".

Mr. Walsh: Verenski?

The Witness: The pronunciation is "Verenski." That is correct.

Q. (By Mr. Walsh.) Verenski?

A. Yes.

Q. Now, Swanson had been a cutter; he was moved to the Chemical Building. What is he doing in the Chemical building?

A. I am sorry. I cannot tell you.

Q. You do not know?

A. Right now, no. I cannot tell you offhand.

Q. With reference to Smith, you said, I believe that he is teaching grinding now.

A. Yes.

Q. Was Smith an experienced man in grinding?

A. No, I do not believe he was.

Q. Would you know how long he had been with you?

A. No, I do not.

Q. Do you recall—I do not—what you said he was doing now? What is he doing?

Trial Examiner Dudley: You said he is plating.

The Witness: Plating. That was his job.

Q. (By Mr. Walsh.) That was his job before the trouble?

2435 A. Before and after.

Q. Before and after?

A. Yes.

Mr. Swiren: Off the record just a moment.

(Discussion outside the record.)

The Witness: Charles Smith was moved to the Northrup Furnace.

Q. (By Mr. Walsh.) Tell me what that is. Is that in the sintering department?

A. That Northrup Furnace is a high frequency furnace. It heats mainly by means of Eddy currents.

Q. In what department, the sintering department?

A. No. That is in the lab.

Q. In the lab?

A. Yes.

Q. Was he experienced in that work?

A. I cannot answer that question.

Q. If he had been experienced in that work, would you know?

A. No, I would not, because I do not know Mr. Smith personally.

Q. Now, Janis, I understand is still grinding, is that right?

A. Yes, he is on the old job, grinding.

Q. Van Treeck was moved from grinding to some other job, I believe?

A. He was moved to the set-up job.

2436 By "set-up" we mean he would prepare the job for the girls, and then leave it for the girls.

Q. He would set their machines—

A. And move to the next machine.

Q. What about Kuszewski—is that the way you pronounce it?

A. That is a pretty good guess.

Q. What is he doing?

A. He is on his old job, of stamping and repairing. That requires a little muscular effort.

Q. What does he do, stamp out copper disks?

A. No. He is stamping steel parts that are used in connection with contacts.

Q. What about Nickoley?

A. He is back on his old job of preparing carbon jigs for the set-up.

Q. Now, in the restaffing of the plant, I presume you found some difficulty in getting men experienced in your particular line of business did you not, Mr. Anselm?

A. No, I did not have any particular trouble.

Q. You did not?

A. I had a great many applications for each job.

Q. Applications of men who had had experience—

A. Experience, yes.

Q. —in working rare metals?

A. Oh, no.

2437 Q. Or men who had mechanical—

A. There are no people experienced in working on the chemical operations of rare metals.

Q. I did not think so.

A. As you move up into the mechanical operations there are plenty of experienced men obtainable.

Q. So it was necessary after you rehired to get new people, and also to shift some of the men who came back to their jobs by reason of having changed certain operations from men to girls, is that right?

A. Yes, we did that.

Q. I believe your employment record shows you have increased employment generally throughout the plant since the trouble; you have had more business?

A. I think the evidence so shows.

Q. As a result, many new people who had not previously worked for you were hired?

A. That is correct.

Q. Now, at the time preceding the trouble, directing your attention to the cutting department which was operated by men, how many disks a day of tungsten contacts, or tungsten disks for contacts did the men cut?

What would the average be?

A. Oh, about 11,000, I would judge.

Q. You figured it out that was a pretty good day's work?

2438 A. That would have been normal. They cut more than that.

Q. That would be about the average?

A. If I were going to set a standard, I would set it at 11,000.

Q. You figured the men cut about 11,000 disks?

A. Of course, do not pin me down on that. On a certain diameter of rod you can cut several thousand more than you could on a .200 diameter, for instance.

Q. If you were cutting .156, you would probably be able to cut more than if you were cutting .250?

A. We do not cut .156. We punch that.

Q. What is it that you cut, .147?

A. .149.

Q. I will not argue with you over-two thousandths.

Mr. Swiren: You had better stick to law, Mr. Walsh.

Q. (By Mr. Walsh.) Then your 11,000, you figure, is a good day's production on .149?

A. Well, they have cut larger diameters, and cut 11,000 and more.

Q. On that 11,000, what percentage of culls would you have?

A. I would not have the figures on that.

Q. You would not know?

A. It would come across my desk, but I would not know off-hand.

Q. How many wheels would it take to cut 11,000 2439 disks? How many wheels a day would a man use?

A. They would average about 250 to 280 disks per wheel.

Q. Now, when you cut more disks in a shorter period of time, the wheels wear out faster, do they not?

A. The harder you press, the faster the wheels go, and the poorer the work is.

Q. And you get more culls, is that right?

A. More rejects, yes.

Q. I believe there was some testimony during the case to the effect that the efficiency men had raised the number of disks the men were to cut per day, is that right?

A. I could not answer that question.

Q. That was before you got there, I believe, was it not?

A. That is right.

Q. How many disks a day are the girls averaging now on the .149, say?

A. Do you want me to give you that from memory?

Q. That will be close enough.

A. From 9,000 to 13,000.

Q. How many wheels are they using, and how many disks are they cutting with each wheel?

A. I will get that for you, if you want it.

Q. I thought you might know. That is an item of cost, and an important item of cost in that department, I believe.

A. They are running as high as a thousand disks 2440 per wheel on .149.

Mr. Swiren: Excuse me just a moment. Off the record.

(Discussion outside the record.)

Q. (By Mr. Walsh.) Your cost clerk advises me that the women are cutting from 25 to 40 per cent more disks per wheel than the men did; am I correct on that?

A. I would say so, yes.

Q. Have you put on any extra girls in the contact department to take burrs off of disks?

A. Not to my knowledge. You mean, to take the burrs off of the cut disk?

Q. Yes.

A. In fact, we do not have burrs any more. We have even removed the inspectors that inspected the work the boys did. We had five. We only have one now.

Mr. Swiren: Just a moment, please. I did not hear the last part of that answer. Will you read it. Mr. Reporter.

(The answer was read.)

Mr. Swiren: You had better correct that statement. I think your statement is in the reverse. Let us get that straight.

Mr. Walsh: I understood him to say that they had at this time, since the girls were on the job, only one inspector, while when the men were on the machines they had five.

The Witness: Sure.

2441 Mr. Swiren: Is that right?

The Witness: There is nothing wrong with that statement.

Mr. Swiren: All right.

Mr. Walsh: Mr. Anselm understood it, and so did I.

Q. (By Mr. Walsh.) In the re-staffing of the plant, you were given full authority to hire or refrain from hiring any persons whom you felt would not work out right in the new organization, is that right?

A. That is correct.

Q. In pursuance to that authority, did you interview the individual applicants?

A. Some of them.

Q. Did you inquire if they had been persons who sat down in your plant?

A. Sure I did.

Q. You took them back whether they sat down or not, if you felt they would work out in your new picture?

A. I made pretty sure they were not going to sit down again.

Q. What did you do to make sure, Mr. Anselm?

A. I questioned them.

Q. Did you say "Joe, are you going to sit down in my plant again?"

A. No. "Joe", I said, "are you going to obey the law in the future and come out when the sheriff tells you?"

Q. And Joe said "Yes", is that right?

2442 A. When Joe said "Yes", we would pass them along to the next stage. We did not hire them alone on that basis.

Q. You conducted a further inquiry of him to determine his availability for service, is that right?

A. That is right.

Q. Who else helped you in the examination of these applicants, Mr. Anselm?

A. As to the particular group you refer to, I had nobody, except the recommendation of the foreman that they wanted them back.

Q. You mean, the group that sat down in the plant?

A. Yes.

Q. You had nothing but their own foremen?

A. Yes.

Q. What were the requirements that the foremen felt the people should have before they would be re-employed?

A. That their work was of good quality.

Q. Yes.

A. And that they had ability to cooperate and get along in the departments.

Q. By "ability to cooperate" what do you mean?

A. There are naturally some men of a quarrelsome disposition that cannot work anywhere. We do not want to mix them up with a group that can cooperate.

Q. I think that is sound. If you felt that their personalities might conflict with the people they were working with, you did not take them back, is that right?

A. If there were such cases, they were refused.

Q. You relied upon the statements of the foremen, inasmuch as they knew more about how they got along than you did, is that right?

A. It was necessary to do that.

Q. Now, at the time you discharged Mr. Holm, you said among other things you did not like him because of his having master keys made on the outside.

Did you know at the time you discharged him that he had had these keys made?

A. No, I did not.

Q. That developed after you discharged him, and that just made you madder, is that it?

A. Well, I imagine it added a little more oil to the flame.

Q. Have you increased the force in the chemical department since the trouble?

A. In the chemical proper?

Q. Yes.

A. You know, our chemical department consists of two divisions. Our building 9 has some chemical processing, and our building 8 is confined strictly to chemical work.

Q. Yes.

A. I would say that in building 9 there has been no 2444 increase, unless it has been a man to round out a third shift.

Q. Was building 9 where Jasper Leskovec was employed?

A. I would not know that. If he was marked up for chemical building, it would be building 8.

Q. It would be building 8?

A. Yes.

Q. Has there been any increase in that department since Jasper was laid off in January, I believe, it was?

A. I do not believe there has been.

Q. The increase in your production increases the work in your chemical building, does it not?

A. The increase in production would only require the processing of a little more tungstic acid, or ammonia paratungstate. That would operate to build up your run of production.

Q. So an increase in production would not necessarily reflect a very great increase in the amount of chemicals processed?

A. I would not say that. It might add a man to a third shift.

Q. Are you running three shifts there now?

A. On some of the processes.

Q. Were you in January running three shifts?

A. I do not know. I believe we had one job running three shifts.

Mr. Walsh: I see. That is all.

2445

Redirect Examination.

Q. (By Mr. Keele.) In spite of all the questioning of each man who was in the sit-down, as to whether or not he would henceforward comply with the orders of court, you hired all of them who came back except three, did you not?

A. It might be four.

Q. Three or four?

A. That is correct.

Q. Now with reference to that exhibit No. 30, which has some six or seven sheets running from A to G inclusive, none of those orders were carried out by Holm, were they?

A. No. These orders were found in his desk.

Q. He had stuffed those orders in his desk; he had never discussed them with you, had he?

A. He had not.

Q. No explanation was given by Holm for not carrying out the orders, is that correct?

A. That is right.

Q. There was no explanation on the others, either, was there, on the other orders that were given him which he did not fulfill as requested?

A. None.

Q. I believe you testified to this, but I am not sure: you placed no restrictions upon the men whom the foremen were to rehire, or to go out and get for rehiring, is that correct? You did not tell the foremen to go and get this
2446 man, or that man, or a man who belonged to the union, or a man who did not belong to the union, did you?

A. No.

Q. No restrictions were imposed?

A. None whatever.

Q. Some of the men you re-employed were men who had participated in the bargaining committee, were they not?

A. Yes.

Q. That is correct, is it not?

A. I believe we did employ some of them.

Q. Some of the others who were on the bargaining committee you asked to come back, and they refused, is that right?

A. It may be that is correct. At this minute I do not recall who they are.

Q. One of them was one of the Dreyer boys, is that right?

A. Yes. I believe Clarence Dreyer was asked to come back.

Q. Among the men who were on the bargaining committee who were re-employed was Germer, is that correct?

A. Yes. He was re-employed.

Q. Van Treeck?

A. Yes.

Q. Ross?

A. Correct.

Mr. Walsh: Just a moment. I think Mr. Anselm
2447 made a mistake there. I do not think he meant to say
what he did in answer to one of your questions.

I think he said that Clarence Dreyer asked for his job back.

Mr. Keele: No. He said he was asked.

Mr. Walsh: I think Mr. Anselm—

Mr. Anselm: I thought I said he was asked to come back.
That is what I meant.

Mr. Keele: That is all.

Recross Examination.

Q. (By Mr. Walsh.) Mr. Anselm, what is the hourly rate you are paying the electrician you have on your maintenance crew now?

A. One dollar an hour.

Q. What are you paying his helper?

A. I believe one of them is getting 55 cents. He might be getting 60.

Q. The electrician's helper?

A. I think he is.

Q. What are you paying the carpenter?

A. The helper?

Q. No, the carpenter. I believe you have one carpenter, and one helper.

A. The carpenter is getting one dollar an hour.

Q. His helper is getting how much?

2448 A. I believe he is getting around 70 cents.

Q. I believe Warner was getting 95 cents, was he not?

A. Somewhere around there.

Q. Swanson I believe was getting 95 cents.

A. He was getting a dollar.

Q. He was getting a dollar?

A. Yes.

Mr. Walsh: That is all.

Redirect Examination.

Q. (By Mr. Keele.) Mr. Anselm, were these new men in the department worth the difference in price?

Mr. Walsh: I object to that.

Mr. Keele: You brought it out. Now, let us find out about it.

Mr. Walsh: That would be quite a controversial subject. It is not material.

Trial Examiner Dudley: He may answer.

The Witness: What was the question?

Mr. Walsh: Read the question.

(The question was read.)

A. Well, in one case there is only five cents difference, and in the other case there is not any difference. How do you want me to answer?

Mr. Keele: I understood you to say that one man was getting \$1.25.

2449 The Witness: No; one dollar. One was getting 95 cents an hour.

Mr. Keele: I am sorry: I misunderstood you. I thought you said \$1.25.

Mr. Walsh: I will withdraw the question for you, Mr. Keele.

Mr. Keele: Thank you.

Trial Examiner Dudley: Mr. Anselm, I have a few questions.

Examination by Trial Examiner Dudley.

Q. (By Trial Examiner Dudley.) With reference to the carpenters and electricians who were working in the maintenance department—or rather, the two that you have now, the one carpenter and the one electrician, do you know whether or not they are members of a craft union of the American Federation of Labor?

A. I would not know, no.

Q. In regard to the carpenters—

Mr. Swiren: What was the answer?

The Witness: I would not know that.

Q. (By Trial Examiner Dudley.) In regard to the carpenters, electricians and so forth in the maintenance department before the strike, do you know whether or not any of

them belonged to the craft unions of the American Federation of Labor?

2450 A. I would not know that.

Q. If I called your attention to the fact that the respondent's answer in this case, verified by Mr. Aitchison says that many of the maintenance employees of the respondent company for a long period of time prior to the strike were members of individual craft unions, would you think that was a fact?

A. I can point out one who was a member of the craft union.

Q. Who is he?

A. Ted Christianson. I know he worked on my home, and when I got the bill I was satisfied he belonged to the union.

Q. Do you know anybody else in that group?

Mr. Swiren: Here is the exhibit.

Mr. Walsh: What exhibit is that?

Mr. Swiren: Exhibit No. 23.

The Witness: That is all I know.

Q. (By Trial Examiner Dudley.) As far as you know, none of the men now in that department belong to the craft union?

A. I would not know.

Mr. Swiren: What is the answer?

The Witness: I would not know.

Trial Examiner Dudley: Now, I would like to ask one or two questions concerning Mr. Aigner.

Q. (By Trial Examiner Dudley.) Would you know of his duties?

A. He took care of the little tool crib where the boys obtained their supplies.

2451 Q. The tool crib is what?

A. The tool crib is a supply room, for small tools.

Q. Did he do anything else?

A. I do not think he did.

Q. He just handed out small tools as the men came to the supply department and asked for them?

A. He may have run errands.

Q. Did he work as a janitor?

A. I cannot answer that. He may have done some janitor work on the floor.

Q. In what condition is his health?

A. I cannot answer that question.

Q. Does he seem to be in average condition mentally?

A. I made no tests. I would not know that.

Q. As far as you know, he is?

A. As far as I know.

Q. Have you any reason to believe, or do you know of any reason why he is not qualified to do the work he was doing before the strike?

A. No, except that the foreman asked for a younger man.

Q. You know of no reason why a younger man is needed?

A. Yes. A younger man would be able to other work in addition to taking care of the crib, like sweeping the floor.

Q. Is that a full time job?

A. No. That is not a full time job.

2452 Q. What could a younger man do which Mr. Aigner could not do?

A. Possibly fill both jobs, take care of the tool crib and sweep the floor.

Q. Are you sure Mr. Aigner does not do that now?

A. There were two men in there, both in that department.

Q. May I call your attention to the fact that Mr. Aigner testified he served as janitor?

A. Aigner was a janitor. Hoff was the tool crib attendant, but they were both on the same floor. That is the way I understood it.

Q. Aigner worked as a janitor?

A. Yes.

Q. He did not work in the tool room?

A. No. Hoff worked in the tool room.

Q. Could Aigner come as near filling both of these jobs as a younger man?

A. Could he?

Q. Yes.

A. I do not know.

Q. His health, as you said, is all right as far as you know?

A. I do not know anything about his health.

Q. You testified, I believe, that Ed Ruck applied for a job, and you told him his position had been taken by somebody else.

A. I did.

2453 Q. Do you know who it was that took his position?

A. A chap by the name of Sobeck.

Q. Who?

A. Sobeck. I do not know his initials.

Q. Where did you get a hold of Sobeck?

A. At Chicago.

Q. How?

A. Through the employment department of the National Metal Trades Association.

Q. Do you know whom else you got through the National Metal Trades Association?

A. About two more men on that floor.

Q. How many on the other floors?

A. One more.

Q. A total of about four men?

A. A total of about four men.

Mr. Swiren: Are you through with that phase?

Trial Examiner Dudley: Yes.

Mr. Swiren: I move to strike the testimony with respect to the employees received from the National Metal Trades employment office. It does not seem to me material as to what employment agency was used to obtain employees in the regular conduct of their work.

Trial Examiner Dudley: In view of the testimony of Mr. Aitchison and Mr. Abbott, concerning the nature of 2454 the National Metal Trades Association, I will rule it is relevant.

Mr. Swiren: That is a different office. They were talking about employment through Mr. Abbott's office. This is testimony with respect to employment through a general employment office.

Q. (By Trial Examiner Dudley.) Tell me what this outfit is, then.

A. Well, this is the general employment office. There are hundreds of people who call at that office for jobs every day, and many of them are placed in jobs.

Q. Is that connected with the National Metal Trades Association of which Mr. Abbott is vice president and manager?

A. Mr. Nelson is in charge. That is an independent service.

Q. It has no connection whatever?

Mr. Walsh: It is one of the services, is it not, rendered by the Association?

The Witness: It has no connection.

Trial Examiner Dudley: No connection?

Mr. Swiren: Off the record for just a moment.

(Discussion outside the record.)

Q. (By Trial Examiner Dudley.) Is this a local branch of the National Metal Trades Association?

A. Yes.

Q. Then it is connected with the National Metal Trades Association?

2455 A. Yes, but it is a separate employment agency. It serves everybody in that capacity.

Q. But it is a branch of the National Metal Trades Association?

A. Yes.

Mr. Walsh: You mean, if anybody not a member would call that office and there was the type of mechanic available that they needed, they would send him, is that right?

The Witness: That is right.

Mr. Walsh: They do not restrict the service only to their members?

The Witness: No.

Mr. Swiren: Is your answer "No" to that question of Mr. Walsh's? They do not restrict?

The Witness: They do not restrict.

2456 Q. (By Trial Examiner Dudley.) Do they specialize in supplying employes who are in accord with the principles of the National Metal Trades Association?

A. No.

Q. Do you know what Mr. Aitchison meant when he testified that he had employed two men through the National Trades Association?

A. I think he refers to the same men.

Q. Do you know whether or not Mr. Aitchison thought when he was getting these men, he was getting men that agreed with him and with the National Metal Trades Association in their principles?

A. I do not know what thought he had in mind.

Q. You did not hear him say anything about it?

A. No.

Q. Now, I would like to ask you a few questions about Mr. Holm.

A. All right.

Q. I notice on your exhibit No. 30, that is respondent's exhibit No. 30 and similar exhibits running up to 34 contain in general orders from yourself, or other supervisors to Mr. Holm, do they not, in writing?

A. Yes.

Q. Has this been a procedure of your factory for quite some time?

2457 A. It goes back some years.

Q. One is dated, I think, January, 1936.

A. This form is an old one. There is nothing new about it.

Q. Does your procedure provide for similar reports to be made in writing by the foremen to the supervisors?

A. Yes, sir.

Q. Likewise, does it provide for written requests for men or materials that might be needed in carrying out these orders?

A. I do not believe I understand that.

Q. If you gave Mr. Holm an order to perform a certain job within a certain time, such as the one to move the tantalum department over the week end—

A. Yes.

Q. (Continuing.) —and Mr. Holm felt he could not do that job within the time given him because he did not have sufficient men, or because he did not have sufficient material, or for some other reason, does the procedure of the plant provide that he should report that to you in writing?

A. Not in writing, but he should report that.

Q. Not in writing?

A. We have a telephone in almost every department.

Q. He should report it?

A. Yes, either to me or the assistant superintendent.

Q. Did he make any such reports about any of these orders given in exhibits 30 to 34?

2458 A. I have no reports on any of those jobs.

Q. You mean, no oral reports?

A. No oral reports. I am sure I have none in writing.

Q. Did he ever come to you and say, "Mr. Anselm, I cannot get that job done within that time"?

A. No.

Q. Did he ever come to you and say "I can do this within this time, but it means I have to stop making crates, or stop doing some other work. Which do you want done first?"

A. I do not remember any such conversation.

Q. Now, I would like to ask you about Jasper Leskovec. Why was he laid off?

A. Well—

Q. He was laid off in November, and was finally laid off in January.

A. We ran out of tantalum at that stage. He was no longer required.

Q. Have you never had any need for people who were doing that kind of work which Leskovec was doing?

A. I believe the ore is going to start up very shortly.

Q. Well, let me ask you, if you have any intention as to whether or not you would hire him for that kind of work?

A. Would I hire this man for that work?

Q. Yes.

A. If his foreman wants him, and if he is an efficient man.

2459 Q. I am trying to get the facts here. I do not really see why you laid him off.

A. We did not have work for him.

Q. Have you had work since then?

A. We have not had any regular work.

Mr. Walsh: You have been working out the "Aitchison deposit", is that right?

The Witness: Yes, the tantalum mine in the back yard.

Q. (By Trial Examiner Dudley.) How about John Taylor, the man who worked for you and the WPA at the same time? He worked for you off and on up until the strike, and according to my recollection of the testimony you have never called him back.

A. He had a WPA job. I think the most he could earn on that was \$85 a month. However, he could make that \$85 possibly in ten days. Then, he would come to work on the job until the following month. His scheme was to go around and get other jobs in between times.

Q. Why did you not call him back to work?

A. We abolished the millwright department.

Q. You have a carpenter in the millwright department, have you not?

A. He would not be the type of man we would hire back for that job.

Q. Would you need him to crate boxes or anything
2460 of that sort?

A. No. We buy our boxes.

Q. How old was he?

A. He was on the stand the other day. I think he is about fifty-nine. If it is important, we can get it.

Q. No, it is not that important. In regard to the women employes, do you have any knowledge as to the efficiency of the women employes whom you did not reinstate?

A. I think Mr. Swiren expects to show something along that line. I personally have no knowledge of it.

Q. You have no personal knowledge yourself?

A. No. There are reports which have been completed

lately by our cost department. I think we are ready with them.

Q. That is what I understood you to testify before. I wanted to check up on it.

A. Yes.

Q. How much do the girls get, do you think, in the cutting and grinding departments?

Mr. Swiren: I think that appears on the exhibit that was filed.

Trial Examiner Dudley: Does it?

Mr. Swiren: I think it is in the exhibit that shows the maximums and minimums. I think there is just one rate in connection with that.

Q. (By Trial Examiner Dudley.) The men who 2461 worked in the cutting department and the grinding department were paid largely on a piece work basis, were they not?

A. That is right.

Q. About how much did that run per man per week, or on any other basis that you might remember?

A. Well, I think they earned around 75 cents an hour.

Q. You think they earned around 75 cents an hour?

A. Yes.

Q. The women are now getting around 45 cents an hour in the cutting department, are they not?

A. They start at 40.

Q. And they get 45 cents in the grinding department?

A. 45.

Q. How much do they get in the spinning department? Do you remember what they get in the spinning department?

A. There are only two machines.

Q. I see. So, putting in women instead of men, has meant a saving, or a reduction in cost from 75 cents to 45 cents an hour, is that correct?

A. That would be one phase of it. If they become more efficient there would probably be other savings.

Q. These people working on an hourly basis—the fact that they become more efficient has no reference to their pay, does it?

A. Yes, sure. These girls here all started at 40 cents.

2462 Q. Do you have a standard scale of rates, or do their hourly wages, as they become efficient, go up?

A. No, but we do give them raises as we consider them coming up to the standard, or beyond the standard.

Q. They are turning out as much, if not more than the men did, are they not?

A. I believe, on the figures given to Mr. Walsh, the men have cut somewhat more in certain cases.

Q. I believe you testified in answer to Mr. Walsh's question that the women are cutting as much, if not more; then, you gave some figures.

A. Yes. I gave him figures on .149.

Q. Generally speaking, would you say the women are now doing about what the men were doing?

A. It may be somewhat less, but that is offset by the better quality. I can show you figures on that.

Q. You mean then they are doing about the same as the men, or perhaps somewhat less, but their work is of better quality?

A. Better quality.

Q. Yet they are getting 45 cents an hour compared with 75 cents an hour, which the men got, is that correct?

A. It appears so at the moment. We will probably pay them more later.

Q. You mean, they might get still better?

A. If they improve, we will pay them more.

2463 Trial Examiner Dudley: Mr. Swiren said he would bring in later some figures showing in detail the number of employes before and after the strike, as I remember it, and a break-down as to men and women.

Mr. Swiren: No, I did not say anything like that.

Trial Examiner Dudley: You did not?

Mr. Swiren: I said I would bring in the figures, which Mr. Aitchison identified in exhibit No. 25. No request was made for a break-down between men and women.

Trial Examiner Dudley: Respondent's exhibit No. 25 shows about 243 production and maintenance employes of the respondent on February 17th. Do you know about how many of these were men and how many were women?

Mr. Walsh: Just a moment, Mr. Examiner. Mr. Swiren does not—this can be off the record.

Mr. Swiren: Yes. Off the record.

(Discussion outside the record.)

Trial Examiner Dudley: Will you read my last question, please, Mr. Reporter.

(The question was read.)

The Witness: Approximately 55 women; the difference would be men.

Q. (By Trial Examiner Dudley.) The difference would be 188 men, according to my subtraction.

A. All right.

2464 Q. At the present time, or for your convenience as of June 11, 1937, respondent's exhibit No. 25 shows 254 production and maintenance employees. About how do they split up as between men and women?

A. I would say about 95 girls, and the rest are men. They changed some, though.

Q. You think there are about 154 men?

A. Just about.

Q. Now, would you tell me about how many men employees you have hired since the strike who were not employed by you immediately preceding the strike?

A. Well, we will have to break that down.

Q. I see.

A. These girls here would be new (indicating).

Mr. Swiren: Let us get that answer on the record. Say it for all of us and let us get it.

The Witness: The difference in the number of girls we had would be reflected in the new employees. The rest of them I would not know.

Trial Examiner Dudley: Well, look at the figures you just gave me indicating that you had 188 men employed on February 17th, and about 154 men employed on June 11th.

The Witness: Yes.

Q. (By Trial Examiner Dudley.) Then you have about 34 less men now than you had before the strike, is that right?

2465 A. I believe there is a change there of about that many.

Q. You have hired some new men, have you not?

A. Yes, some.

Q. Do you know about how many?

A. No, I do not.

Q. Do you think you have hired 100?

A. No.

Q. 50?

A. No.

Q. 30?

A. No.

Q. 20?

A. That would be more like it.

Q. About 20?

A. Yes.

Mr. Swiren: It occurs to me that the Examiner's figures were not very accurate, based on exhibit No. 25. I suggest there were 184 employes, unless that includes all hourly people and watchmen.

Trial Examiner Dudley: I am talking about production and maintenance employes, using the figures given on your exhibit. There were 243 employes in the category on February 17th, and 249 on June 11th.

Mr. Swiren: The 243 includes watchmen and laboratory employes.

2466 Trial Examiner Dudley: That is the entire group there.

Mr. Swiren: I see. I wanted to get the figures that the Examiner was using.

Q. (By Trial Examiner Dudley.) To the best of your knowledge you hired about 20?

A. I prefer that you ask for a break-down of that.

Q. Then, break it down any way you like. Would you rather give me that later?

A. I think it ought to be handed in later.

Mr. Walsh: I think that will be covered by the information that Mr. Swiren will furnish us on this.

Trial Examiner Dudley: He just stated he was not planning to give us that. If we could have that—

Mr. Swiren: We have not refused any information to date, and we are not going to start refusing any now. If the Examiner will tell us expressly what he wants, we will endeavor to make it up and to furnish it.

Trial Examiner Dudley: Do you have—

Mr. Swiren: What are the figures the Examiner wants?

Trial Examiner Dudley: This is off the record.

Mr. Swiren: Yes. This does not need to go on the record. (Discussion outside the record.)

Trial Examiner Dudley: I would like to ask Mr. Anselm one more question.

2467 Q. (By Trial Examiner Dudley.) Mr. Anselm, respondent's exhibits 23, 24 and 20 list certain men whose jobs were abolished according to the testimony that has been given.

Mr. Swiren: Leave 20 out. Take them separately.

Trial Examiner Dudley: Shall we take that separately?

Mr. Swiren: Yes.

Q. (By Trial Examiner Dudley.) Confining your answer then to exhibits 23 and 24, may I ask you if when those jobs were abolished, any consideration was given these men toward reemploying them in any other jobs that might have been available about the factory?

A. You mean, in reemploying these men?

Q. Yes.

A. Just a minute.

Mr. Swiren: Off the record just a moment.

(Discussion outside the record.)

Trial Examiner Dudley: Will you read my question, Mr. Reporter?

(The question was read.)

A. I think consideration was given to that portion of them who applied for their jobs.

Q. (By Trial Examiner Dudley.) Was consideration given only to those who applied for their jobs, and not to the others?

A. Well, that was our immediate problem, talking to the people who applied. I do not think it was taken up in 2468 a general sense.

Q. Of those who applied for their jobs and were not hired, none of the men listed on exhibits 23 and 24 were hired?

A. Joe Petraitis applied.

Q. But he was not hired?

A. He was not.

Q. Why?

A. Because he was a toolmaker making dies. We did not have die work. He was not considered from the standpoint of having a place in any other department.

Mr. Swiren: He was not refused, was he?

The Witness: He was not considered for other employment, in other departments.

Q. (By Trial Examiner Dudley.) Was there anybody else who applied for work listed on these exhibits?

A. I think the testimony shows that Vincent Dietmeyer applied.

Q. Was he given consideration for any other jobs that might have developed through the plant?

A. I do not think he was.

Q. Was there anybody else?

Mr. Walsh: How about Ed. Ruck?

Mr. Swiren: He is not on the list.

Q. (By trial Examiner Dudley.) Then, is the answer to

my question that you did not give consideration for 2469 other jobs to any of these men you list in exhibits 23 and 24 including both those men who did not apply and also the two men who did apply, plus any others that you may not know of now who applied?

A. That point never came up for discussion.

Mr. Swiren: Speak up.

The Witness: It never came up.

Mr. Swiren: What is that?

The Witness: It never came up. That raises a new point, as far as I am concerned.

Q. (By Trial Examiner Dudley.) Why was no consideration given these people for other jobs?

A. Why was no consideration given them?

Q. Yes.

A. I cannot answer that.

Q. Was it—

A. It just was not brought up.

Q. Was it because they participated in the seizure and retention of the plants on February 17th to February 26th?

A. I never had that in mind, myself. I employed a lot of people who seized and held the plants.

Q. Your answer is then, that some people were not employed because of their participation in the seizure and retention of the plant?

A. A lot of them were.

2470 Q. What was the difference? Why were some people who participated in the seizure employed, and some not employed?

A. I imagine the biggest part of them testified they would not have taken their jobs under any consideration, even if they had been offered them.

Q. There were only 17 who so testified.

A. I cannot answer your question.

Q. Was no consideration given to these men by any chance because of any believed activity on their part in labor union affairs?

Mr. Swiren: Just a minute. We object to the question asked by the Examiner on the ground the men were properly discharged, and there was no obligation upon the part of the respondent to give any consideration to re-employing men who were properly discharged.

Q. (By Trial Examiner Dudley.) Mr. Anselm, would you wish to incorporate Mr. Swiren's remarks in your answer?

Mr. Swiren: That is a different matter, now. I would like to have a ruling from the Examiner on my objection.

Trial Examiner Dudley: Well, I will withdraw the question.

Q. (By Trial Examiner Dudley.) I will ask you this: were those men not given consideration for new jobs because you considered them as having been properly discharged?

A. The answer is "Yes".

2471 Q. That proper discharge was based upon their participation in the seizure and retention of the buildings?

A. I would say "Yes".

Q. Then, that would be the reason for not considering these men for other positions, is that correct?

A. It may have a bearing on it.

Q. Is there anything else that had a bearing on it?

A. There may be some reasons of efficiency.

Q. Do you know what those were?

A. No, I would not know that offhand. I would leave that up to the foremen.

Q. Now, we will pass on to another point. There is one thing which I personally do not understand, and I would like to have your explanation. It is in regard to the maintenance department and the tool room.

You have testified and so has Mr. Aitchison that you found it more economical to have this work done by outside independent contractors rather than by employees.

Why are independent contractors able to do that work through their employees more cheaply than you can do it through your own employees?

A. Because they have production machinery for the manufacturing of tools which we do not have.

Q. Did you ever have production machinery during the time you have operated, since 1907, I believe?

2472 Mr. Swiren: I think there is a misunderstanding on that. There are two departments, the maintenance department and the tool room.

The Witness: Yes.

Mr. Swiren: They sometimes combine them in their statements. I am wondering whether that statement is not confusing?

The Witness: The tool room—

Trial Examiner Dudley: We will confine ourselves to the tool room, then.

Q. (By Trial Examiner Dudley.) I will ask you for how long a time did the respondent operate the tool room, making dies, and so forth, through its own employees?

A. A good many years.

Q. Why has it recently become more economical to have this work done by independent contractors and their employees?

A. Because there is production machinery now for the manufacture of tools which we could not afford to buy, but a jobber would have those tools, or a tool shop would have those tools.

Q. Why, then, can an independent contractor buy this production machinery and make those dies through his employees, and sell them to you at a profit, and at a price which is less than you could buy the machinery for and make them yourself?

A. Because he gets the volume on that one product.

2473 Q. How much of a volume does that require?

A. How much of a volume would that require?

Q. Yes.

A. Well, on that type of die, you would need a volume of from 500 to 1,000 sets a week.

Q. Your volume is about what?

A. Our requirements on this stuff?

Q. Yes.

A. Well, they are from 10 to 37.

Q. A week?

A. Yes. Some weeks it might be higher.

Q. Has this condition of using production machinery for making dies requiring a large volume for economical operation developed within the last few years?

A. Yes. I would say that the Warner & Swazy and Gisholt screw machines are peculiarly adapted to this sort of die production.

Q. About when has this development taken place?

A. I saw those machines over at Cleveland at the last tool show about two or three years ago.

2474 Q. That is about the first time they were developed and made available?

A. I would say as to the present type that is about when it was.

Q. Now, let me direct your attention to the maintenance department. I will ask you the same question. Why can an independent contractor perform work normally done by the

maintenance department, through his own employees and make a profit for himself, at a price which is less than the cost which you would have in doing it through your employees?

A. Well, this group of men is permanent the year around. It is a permanent addition to our staff. When we have an installation which requires a large group like this, with an outside contractor we can bring the men in, and they finish up the job, and then they go home. They may be off the job for a month.

Q. That is, you do not have a sufficient volume of work to keep your men busy?

A. No, we do not.

Q. Did you have a sufficient volume of work to keep Art Holm, Sr., busy?

A. There was a time there, I believe, between September and December, when we had quite a volume of work.

Q. Referring now to the time that you mentioned from January 1, 1936 until February 17th, 1937, and particularly the testimony in Respondent's Exhibits Nos. 30 to 34, was the reason Mr. Art Holm, Sr. and his maintenance department did not get that work finished, mentioned in the exhibits, because he had too much work to do, or because he simply did not do it?

Was he overworked, was he lazy, or was he obstinate?

A. I would say that none of those jobs involved in those orders would require very many hours of labor, so I consider all of that pure neglect on his part, as to that particular group of work there.

Q. You say it was not done because of neglect?

A. It was not done because of neglect.

Q. Was he busy during this time?

A. He was supposed to be.

Q. Well, was he?

A. Off the record, I will tell you some more about that.

Mr. Swiren: No. Let us have it on the record. Let us have it on the record.

Mr. Keele: Do not hold back anything.

The Witness: What was the question?

Trial Examiner Dudley: Read the last question please, Mr. Reporter.

(The question was read.)

Q. (By Trial Examiner Dudley.) What did he do during the time, work or loaf?

A. Well, I have a report from my assistant superintendent that he was asleep on several occasions at his desk.

Q. Who is your assistant superintendent?

A. Luther Henry.

Q. Do you have any idea of what these dates were?

A. I do not. I just got the reports. I had no occasion to doubt the reports.

Q. Do you know the months in which this slumber took place?

A. I do not. I just got reports. I haven't any other data on it.

Mr. Walsh: May I ask a question?

Trial Examiner Dudley: Yes.

Q. (By Mr. Walsh.) Mr. Anselm, during this period, Holm was working as late as two o'clock in the morning sometimes, was he not?

A. I never heard of it.

Q. If he did, you would not know it?

A. Oh, yes, I would.

Q. You would know it?

A. Yes. I would get a report from the watchman, as to just who worked in the plant until two o'clock in the morning.

Q. Then if it is testified to here that he did put in that time, someone is not telling you all that has been going on at that plant, is that it?

A. I do not believe they tell me all, quite all that goes on. I have to dig a lot of it out for myself.

2477 Q. If it develops during this period of time that he worked as late as two o'clock in the morning, you did not know about that, did you?

A. No. I do not believe any of my reports cover that time you mention. I do not know whether they do or not.

Q. You would not know whether the days Luther Henry found him asleep at his desk were days after which he had worked practically all night, would you?

A. I believe I can call Luther Henry for you and get you more specific information. It just came to me as a report.

Q. All right.

A. There are a lot of other things that can make a man sleepy.

Mr. Walsh: That is all.

Trial Examiner Dudley: I have one more question.

Q. (By Trial Examiner Dudley) The reason that the

work, or most of the work of the maintenance department has been given to outside independent contractors is because the volume of the work in the department is not large enough to keep your own force of men busy throughout the year?

A. That is correct.

Trial Examiner Dudley: That is all.

Mr. Keele: That is all.

Mr. Walsh: That is all.

(Witness excused.)

2478 Mr. Walsh : I suggest that we adjourn at this time.

Mr. Swiren: We have one or two more witnesses we can get rid of in a hurry.

Trial Examiner Dudley: All right; proceed.

Mr. Keele: Elsie Aigner.

ELSIE AIGNER, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele) State your name.

A. Elsie Aigner.

Q. You are employed by the Fansteel Metallurgical Corporation?

A. Yes.

Q. How long have you been so employed?

A. Since 1918.

Q. You are in charge of the contact setup department, are you not?

A. Yes, I am.

Q. Do you recall getting a request from the plant superintendent after the plant reopened at the beginning of March as to recommendations with respect to employees to be re-employed?

A. Yes, I did.

Q. Were you told at that time of a change in compensation from piecework in that department to hourly pay?

2479 A. Yes.

Q. Were you asked to bear that in mind in connection with people recommended for reinstatement?

A. I do not remember that particular remark.

Q. Well, did you have it in mind when you prepared your list?

A. Yes, I did.

Q. There is a difference in the people that you would have working in that department, I take it, as between those who would be employed on an hourly basis, and those who would be employed on a piece rate basis?

A. That is right.

Q. Is that right?

A. Yes.

Q. Frances Fellens was in your department, was she not?

A. Yes.

Q. Did you recommend her reinstatement?

A. Well, I had her name down as being efficient when she was on piecework.

Trial Examiner Dudley: As being what?

The Witness: When she was on piecework.

Trial Examiner Dudley: As being efficient, or inefficient?

The Witness: Efficient.

Q. (By Mr. Keele.) How was she when she was on hourly work?

A. Well, she did not seem to put forth her best efforts to my knowledge. I did not think she did.

Q. On the new hourly basis that was prevailing, did you want her back?

A. Well, I did not want her back for several reasons.

Q. What were those reasons?

A. Well, it seemed like she was always agitating trouble. She seemed to make remarks about this one, and the other one, and I think when that tension is in the department, one cannot do the work that is required of them.

Q. Did you know at that time she was a member of Lodge 66?

A. No, I did not.

Q. Was there any reference to membership in Lodge 66 in the instructions as to the people you were to reinstate?

A. None at all.

Q. That had nothing to do then with your asking that she be not reinstated, is that right?

A. Nothing at all.

Q. Evelyn Graimer was in your department, was she not?

A. Yes, she was.

Q. You did not ask for her return, did you?

A. Well, I cannot say that I asked for her.

Q. Did you want her back?

A. I can't remember anything about her particularly, only

that as working in a group, or working in a team with
2481 two people, she was efficient, but I do not know what she
could accomplish personally, alone, on some of the jobs
that might be assigned her.

Q. Have you been doing any more team work in the department?

A. No, we have not.

Q. Not since the abolition of the piece rate?

A. In fact, she and the other girl sitting alongside of her were the only two that carried on team work.

Q. You didn't want that team work to go on in your department?

A. It was all right when it was on a piecework basis, but when it is on the day work basis, each one has to produce for themselves.

Q. Did you know whether Evelyn Graimer was a member of Lodge 66?

A. No, I did not.

Q. Did you see, before you testified, a list of the membership cards of Lodge 66, as introduced in evidence?

A. Yes.

Q. Did you see the names of some of the girls in your department that are now employed, that are on that list?

A. Yes.

Q. About how many are there, do you know? Just give us the number, but not the names.

Q. At least six.

Mr. Walsh: How many?

2482 The Witness: At least six.

Q. (By Mr. Keele.) That did not affect your reinstating those girls, did it?

A. No, it did not.

Q. Did you know then, when they came back, whether they were members of Lodge 66?

A. No.

Q. Have you asked them since?

A. No, I did not.

Q. With reference to your recommendations as to who should be reinstated, were they followed in your department? Did the plant superintendent follow them?

A. I do not believe I quite understand what you mean.

Q. You made your recommendations as to whom you would want back in the contact setup section, is that right?

A. Yes.

Q. You did, did you not?

A. Yes.

Q. Those were passed on to the plant superintendent?

A. Yes.

Q. Were those followed by the plant superintendent?

A. Well, as near as I can remember, they were.

Mr. Keele: That is all.

Cross-Examination.

Q. (By Mr. Walsh.) What did you mean by saying 2483 that Frances Fellens agitated trouble?

A. I don't know. It always seemed like there were little things that came up, little petty things. I suppose.

She was always saying that this one said this, and this one did that, and things like that. It seemed like she had some of the girls on edge. It seemed that she always said she was innocent of it, but whether she was or not was never proven.

Q. Yes.

A. From the time she was there, there was always a question as to whether or not she should be kept on the force.

Q. When you put her on an hourly rate, did she materially fall down in the number of articles she produced?

A. You mean, when they abolished the piecework rate?

Q. Yes.

A. She was never called in after that happened, after we had done away with piecework.

Q. I misunderstood you, I think. I understood you to say she was efficient on piecework and she was inefficient on hourly work.

A. Well, by that I mean when we ran out of piecework, there were certain jobs that had to be done—

Q. I see.

A. —on day work.

Q. Yes.

A. She never produced what the other girls did.
2484 Q. Did she do the same type of work she had been used to?

A. It was all the same, handling with the same forceps we use all the time. The motion is the same. The only difference is learning to handle that particular job.

Q. Maybe you had better explain a little more in detail what you did on piecework, and what you do on hourly work.

A. Well, all piecework was mostly working on breaker-arms.

Q. Breaker-arms?

A. Yes.

Q. Yes?

A. There were pieces of tungsten, copper, steel pieces or composites—we call the composites steel pieces—and silver.

Q. That was used in setting up the contact point itself; is that what it was?

A. Yes, it was.

Q. The piecework was the assembly of the breaker-arm?

A. Yes.

Q. She was not as efficient in the assembly of the contact points as she was in the assembly of the breaker-arm?

A. No.

Q. Is that right?

A. No, she was not.

Mr. Keele: I think you might clarify it and save me a few questions by asking her what is the assembly structure, 2485 and what is the breaker-arm.

Q. (By Mr. Walsh.) Tell me what the assembly of the breaker-arm consisted of. What did she have to do?

A. We have to place these breaker-arms in the carbon solution. Then we had a piece of blotter moistened. We had our tungsten pieces on that blotter. We took the tungsten that was moistened, and placed it onto the welding disk, and then onto the arm.

That was all there was to that operation.

2486 Q. Now, what was the operation in the assembly of the contact points?

A. Well, in some cases we had to put the tungsten in the jig spurs, and then put on our copper, and then our steel pieces.

Q. Yes.

A. On the composites, it was very similar to that. She never seemed to be able to turn out as much on one as she did on the other. When I was trying to teach her how to do it, she always tried her own system, after we had worked on it for years and years, trying to find the better way to do it.

Q. She could not adjust herself to the most efficient method of doing it, is that right?

A. I don't know. I wouldn't want to say that.

Q. Well, now, of course, you did not try her on the assembly of breaker-arms on an hourly basis, did you?

A. We did on certain occasions, when we had put in a new piece work rate on different jobs, and we had to know it before.

On several occasions I timed her, and she was not producing what we thought she could do.

Q. Did she produce any more or any less on piece work, on a piece work basis than other girls in the same line of work?

2487 A. About the same, after she got up to the speed that the other girls had.

Q. After she had had ample experience, is that it?

A. That is right.

Q. Evelyn Graimer, you testified, was effective, or efficient rather, when she worked in a team with another girl, but you did not know whether she would be efficient working alone.

Did you ever try her working alone?

A. No, I never did, because those two girls always sat together, working on piece work, the way they wanted to work it when they were on piece work, so I could not have any opinion.

If they felt they wanted to share the work between each other, that was up to them; being on the hourly basis, I do not know.

Q. It might have worked out on an hourly basis, is that right?

A. It might.

Q. You never tried it?

A. They were always working on the same jobs, all the time.

Q. Nevertheless, you never tried out to see whether she would produce what your standard called for on the hourly basis. did you?

A. She generally worked on just one job most of the time, with the exception of working with this other girl on
2488 the team work.

Q. I believe her husband works there, does he not?

A. He did, I think.

Q. He was in the sitdown, was he not?

A. He was not, no.

Q. You do not know whether Bill Graimer sat down in the plant or not, do you?

A. No, I do not. I haven't any idea of who was in and who was out.

Mr. Walsh: I see. That is all.

Mr. Keele: I have one more question.

Q. (By Mr. Keele.) As to Miss Fellens, did she do as well as the others did when she was on piece work—or rather,

did she also do as well as the others did when she was on an hourly basis to test new piece rates?

A. I do not know. I do not want to answer that question right offhand.

Q. Do you know?

A. She did as well as some of them did.

Q. She did not do as well as all, is that it?

A. That is right.

Q. You were trying to get your department back on the most efficient basis you knew how?

A. That is right.

Mr. Keele: That is all.

Q. (By Trial Examiner Dudley.) You are the
2489 daughter of Joseph Aigner?

A. No; I am his daughter-in-law.

Mr. Walsh: You are his daughter-in-law?

The Witness: Yes.

Q. (By Mr. Walsh.) Do you live with him?

A. No, I do not.

Mr. Swiren: His son is also employed by the company.

Q. (By Mr. Walsh.) Is your husband employed by the
company?

A. No, he is not.

Mr. Swiren: I thought he was.

Mr. Walsh: No, he is not.

Mr. Swiren: Is there not another Aigner employed there?

The Witness: No, there is not.

Mr. Swiren: I see.

Q. (By Mr. Walsh.) Is there any special trouble between
you and Frances Fellens?

A. No particular trouble between she and I, no.

Q. Did you ever have any?

A. I would not say we did have.

Q. Would you say you did not have?

A. Well, we had to call her on different things she had
said about this one, and that one. That would probably be
my duty to do that, and try to keep the girls in harmony down
there. But, as far as she and I having words together,
2490 we never had words together.

Mr. Walsh: That is all.

Mr. Keele: That is all.

Trial Examiner Dudley: You may be excused.

(Witness excused.)

Mr. Walsh: I suggest we adjourn at this time, if the Examiner please.

Trial Examiner Dudley: We will adjourn at this time until 9:30 tomorrow morning in this room.

(Whereupon at 5:00 o'clock p. m., Tuesday, June 22nd, 1937, an adjournment was taken until 9:30 o'clock a. m., Wednesday, June 23rd, 1937, in room No. 4, United States Post Office Building, Waukegan, Illinois.)

2494 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-80) • •

Room 4, United States Post Office Building,
Waukegan, Illinois,
Wednesday, June 23, 1937.

The above-entitled matter came on for further hearing, at 9:30 o'clock a. m., pursuant to adjournment.

Before:

Tilford E. Dudley, Trial Examiner.

Appearances:

William R. Walsh, Regional Attorney, on behalf of the National Labor Relations Board.

Levinson, Becker, Peebles & Swiren, Suite 2525, One North LaSalle Street, Chicago, Illinois, by

Max Swiren and Harold M. Keele, and Sidney H. Block, Waukegan, Illinois, on behalf of Fansteel Metallurgical Corporation.

Lester Collins, Waukegan, Illinois, on behalf of Lodge 66, Amalgamated Association of Iron, Steel and Tin Workers of North America.

2495

PROCEEDINGS.

Trial Examiner Dudley: I will call the hearing to order. Have you any motions or witnesses this morning, Mr. Swiren?

Mr. Swiren: We still have witnesses.

Mr. Keele: James Brown.

JAMES BROWN, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) Will you state your name, please.

A. James Brown.

Q. Where do you live, Mr. Brown?

A. Wilson, Illinois.

Q. You are employed by the Fansteel Metallurgical Corporation?

A. The Fansteel Metallurgical Corporation.

Q. In what capacity?

A. Cost clerk.

Q. How long have you been in that capacity?

A. Twelve years.

Q. Now, all reports of all foremen or, at least, of all inspection department foremen, come to your desk, do they not?

A. That is right.

Q. Will you tell us just what that procedure is with reference to the checking of reports of the inspection department foremen?

2496 A. The reports come over on time cards issued to each individual. These time cards are punched and placed through an International time recording system, that is, duplicating equipment, and the recap apparatus. This report is given to my immediate superior, Mr. Al Dow.

Q. And tabulations are made up from those records?

A. And tabulations are made up from those records from the original time cards.

Q. Is that true of the department headed by Mary Atkinson?

A. That is right.

Q. And she is in charge of women only, that is, she has in her department women only, no men being employed.

A. That is right.

Q. Have you made an examination of your daily time records or reports with reference to the work of that department and each person in it for the month of February, 1937?

A. Yes.

Q. Have you also made up charts or reports or records of the work of that department and the individuals in it for months subsequent thereto?

A. That is right.

Q. For what months?

A. March, April and May.

Q. Have you compared the chart or report tabulated or based on those figures, for the months of February and later months?

2497 A. I have.

Q. Do those reports show the work done by the various girls in that department, or women in that department?

A. That is right.

Q. Now, with reference to Marguerite Seifert, what job did she hold in February?

A. She held the job of disk inspector.

Q. And that was in what department?

A. That was in the contact inspection department.

Q. That was under the control of what foreman?

A. Miss Atkinson.

Q. All right. What do the records show with reference to her efficiency for the month of February?

A. The summary of Marguerite Seifert in the month of February show that on three out of four jobs inspected in February, 1937, she showed less efficiency in inspection than any of the girls in the group. She was ten to fifteen per cent below the average on these jobs, and a much greater percentage below the production rates on similar items for the months of March, April and May.

Q. That was the basis on her—

A. Actual production.

Q. What was the result of your investigation? I will withdraw that.

When you say on three out of four jobs inspected, 2498 what do you mean by that?

A. I mean on three out of four different parts. She worked on a total of four different parts during the month of February and on 75 per cent of that work she was below the percentage, ten to fifteen per cent below the average of all other girls.

Q. What was the result of your investigation with reference to the work of Vivienne Johnson for the month of February? I mean that portion of the month when you operated?

A. The full month on which I have records? That is, from the 1st to the 17th, inclusive.

Q. All right.

A. Vivienne Johnson on one-half of the operations performed, she was 40 per cent below the average of the other girls in the group. In one instance she was about on a par with the average and in one instance she was slightly higher than the average.

Q. All right.

Mr. Walsh: Will you read that answer, Mr. Reporter.

(The answer was read.)

The Witness: In all cases she was below the average.

Q. (By Mr. Keele.) What is the fact with reference to Fern Gartley?

A. She worked on seven jobs during the month of February and on each and every one of these seven jobs she was 25 per cent below the average for the other girls in the group, and she was below the high girls in the same group by about 40 per cent. Her average hourly production for February approximates 50 to 65 per cent of the average for the month of May.

Q. (By Mr. Swiren.) That is the average of other girls for the month of May, is that right?

A. Other girls in the same parts.

Q. (By Mr. Keele.) What was the situation with reference to Joan Bissonette?

A. She spent most of February working on three parts. On two of these parts there was production in April. There was no comparable production in the month of February. On these two parts her averages in April were 1228 and 1535 against 2194 and 2137 average in April. On one part her average per hour was 663 and that part inspected by one girl in March was 1397. The same part in April, 1674.

Q. I take it that you mean by the last part of that answer that another girl, doing the same kind of work on the same part—

A. That's right.

Q. (Continuing.)—during the month of March inspected on her hourly average 1397 pieces?

A. That's right.

Q. And in April 1674 piece on an average?

A. That's right.

2500 Q. Whereas the work of Joan Bissonette showed she had only inspected 663?

A. That's right.

Q. On an hourly average for the work done in February?

A. That's right.

Q. All of these figures you have given here, as I understand it, are based upon hourly charts or time cards?

A. Hourly tickets.

Q. Those are made out in the department where the work is done?

A. Yes, sir.

Q. And they go through the foreman's or, in this case, the forelady's hands?

A. Yes, sir.

Q. Checked by her and then sent directly to your department?

A. That's right.

Mr. Keele: You may cross-examine.

Cross-Examination.

Q. (By Mr. Walsh.) Did you make any records for the months prior to February?

A. Yes, sir.

Q. What did the month of January reflect with reference to Vivienne Johnson?

A. We didn't analyze them for January of this nature.

Q. You just analyzed them for February?

2501 A. Yes, sir.

Q. That would be how many working days?

A. Seventeen working days. No, not seventeen working days. As many working days as there are in February up to the 17th.

Q. Well, how many days did they work between the 1st and the 17th?

A. I don't know how many, offhand.

Q. What day did the 1st day of February fall on?

A. The 1st of February fell on Monday.

Q. And then they worked until Friday. That would be February what? 5th?

A. That's right.

Q. Then they worked again on February 8th?

A. Or on the 6th. I am not sure whether they worked on Saturday or not.

Q. Do your records reflect whether they worked on Saturday?

A. The records I have with me do not.

Q. What is your recollection apart from your records?

A. It appears to me they did work on Saturday. I would answer that they did work on Saturday.

Q. Is there any particular reason for that? Were you rushed in production, or were you working ordinary time, or something?

A. I don't believe so. I don't know.

Q. They would not work on Sunday, I suppose?

A. No.

2502 Q. That would be the 7th. Then they would work on the 8th, to the—well, what day did Saturday fall on?

A. They worked from the 8th to the 13th.

Q. And then that is Saturday?

A. That is Saturday.

Q. Did they work that day, do you know?

A. I don't know.

Q. Do your records reflect that?

A. I can get that information.

Q. You can furnish us that, can you?

A. Yes, sir.

Q. Then they started again on the 15th, I suppose?

A. That is right.

Q. The 15th and 16th and 17th.

A. Yes, sir.

Q. So there would be a maximum of fifteen working days, is that right?

A. Possibly, yes.

Q. And there would be probably two days left, or thirteen working days, that is, if they didn't work on Saturday?

A. That's right.

Q. Now, you made no analysis of the work for January in the same manner that you have testified to about February, did you?

A. No, I didn't.

2503 Q. Did you make such an analysis for December?

A. I believe I did, yes.

Q. Do you have that with you?

A. No, not with me.

Q. Did you make such an analysis for November?

A. I believe I did.

Q. Do you have any independent recollection of what those analyses would show with reference to the efficiency of these girls?

A. I have submitted reports to my superior.

Q. What did those reports indicate?

A. I believe they would bear out the present conditions.

Q. They would bear out, then, that Vivienne Johnson on one-half of her operations was 40 per cent below the average. In one operation she was on par, and one operation she was a little higher, is that right?

A. Yes. They would have to be detailed to know definitely.

Q. Did you recommend to your superiors that Vivienne Johnson be retained on those operations in which she was on a par, on an average, and on those operations in which she was higher than the average?

Mr. Swiren: That is objected to. This is a cost clerk and not a forelady.

Mr. Walsh: I am asking him whether or not he recommended that.

2504 Mr. Swiren: And I object to it.

Trial Examiner Dudley: The objection is overruled.

The Witness: I made no recommendations. I let the superiors read the figures and act accordingly.

Q. (By Mr. Walsh.) You assumed, then, your superiors would rearrange the work accordingly, is that right?

A. Yes, sir.

Q. Did that same thing apply to Fern Gartley and Joan Bissonette?

A. What is the question?

Q. What I mean, is that you made no individual recommendations as to what should be done?

A. No, I submitted complete and detailed reports on all girls.

Q. You assumed, then, that the report went to the forelady in charge of that particular department?

A. Yes, sir.

Q. And that she will do her job as to rearranging the work so that the girls turn out the most work they can?

A. That's right.

Q. Now, what were these operations that Vivienne Johnson worked on in February?

A. She was inspecting disks.

Q. Inspecting tungsten disks which are used for contact points, is that right?

2505 A. Yes, sir.

Q. How many disks a day did she inspect?

A. She inspected on four different sized disks. The sizes, do you want them?

Q. Well, let us start with the little and go to the big.

A. Size .150 diameter by .022. She inspected during the month of February 3821 of those disks per hour.

Q. Per hour?

A. Yes, sir.

Q. How many of the next size?

A. .172 by .024.

Q. And how many did she inspect per hour?

A. 2810.

Q. That was her average?

A. Average inspection.

Q. What is the next one?

A. .149 by .037, 4,443.

Q. And the next size?

A. .187 by .037, 3717.

Q. Now, on one-half of those different sizes she was 40 per cent below. Now, which two sizes were they?

A. .150 by .022 and .187 by .037.

Q. Give us the figure for the average hourly inspection by the group.

A. .150 by .022, 6713.

2506 Q. Per hour?

A. Yes, sir.

Q. How about the next size?

A. .187 by .037, 5124.

Q. Now, on the next size she was on a par with the average for the group. What size was that?

A. .172 by .024, 2800.

Q. That was the average of the group?

A. Yes.

Q. And the next size was what?

A. .149 by .037.

Q. How many did she inspect and what was the average of the group?

A. She inspected 4,443, and the average for the group was 3,832.

Q. Now, with reference to Fern Gartley, do you have your records there as to what her performance was in February?

A. Yes.

Q. I believe she worked on seven jobs. Will you tell us what those jobs were?

A. How many part numbers?

Q. Well, part numbers won't help us. Tell us what the parts were, if you can.

A. Contact rivets and contact arms.

Q. And there are seven different things she had to 2507 do with those two; there are seven different styles of contact rivets and contact arms, is that right?

A. Yes, sir.

Q. Now, on each one of these, I believe you testified, she was 25 per cent below the average? Is that right?

A. In the aggregate she was 25 per cent below the average.

Q. Well, now, let us go through your various operations with her in the same way you did with the Johnson girl.

A. Part 1094—

Mr. Swiren: So that it will help to clear the record on this, I suggest that he testified 40 per cent below the high. If he gives the average and the high together it will be easier for us to follow.

Mr. Walsh: Yes, I believe so, too.

This is off the record, Mr. Reporter.

(Discussion outside the record.)

Q. (By Mr. Walsh.) How many girls were in that department?

A. I don't know, offhand, about part 1094.

Mr. Swiren: Now, we are talking about Fern Gartley.

The Witness: Yes. Her average for February was 1845. High girl for February, 2413. Average of all the girls, for February, 2413. High girl for March, 3418.

Part No. 1217: Average for February, 1429. High girls for February, 2580. Average of all the girls, 2200. 2508 In March there were only apprentices, apprentice workers on the job, and 3450 pieces per hour was the average of all girls.

Q. (By Mr. Walsh.) What do the apprentice workers do?

A. They are new help that we just hired, that is all.

Q. I see. Well, how did they work in March?

A. Naturally they were below.

Q. Considerably below. What was the figure on that, Mr. Brown?

A. I don't have it with me. That can be obtained, however.

Q. I see.

A. Yes.

Q. Were they all new girls filling that department?

A. No, sir.

Q. Some were old girls retained, I suppose.

A. Yes.

Q. And the inspection was cut down considerably.

A. Yes, sir.

Q. All right. Now, will you just proceed with the other operations?

A. Part No. 1248: 1362 for the average, 1469 high girl in February. High girl in March, 3287.

Part No. 1325: Her average for February was 2148. High girl for February, 5358. Average of all the girls in February, 2432. High girl in March, 3409.

2509 Part No. 2195: Her average for February, 2777.

High girl for February, 4087. Average of all the girls, 3072. High girl in February, 3709.

Part No. Q-40444: Her average, 11,957. High girl, 25,000. Average of all girls, 25,000, which means only one other girl worked on the job with her.

Part No. Q-40527: Her average, 663. High girl, 854. No average for February. High girl in March, 1397.

That is all.

Q. Now, I think we left out Marguerite Seifert. Will you read into the record the same information for Marguerite Seifert?

A. She is a disk inspector. Part No. .150 by .022, average for February, 6401. High girl for February, 6713. All other girls, average, 6713. High girl for March—

Q. Do you have the low?

A. The low? No, I do not. I have it averaged. The low would more than likely be apprentice help.

Part No. .172 by .024, her average, 2363. High, 2955. Average for February, 2798. High for March, 3323.

Part No. .149 by .037: Her average, 4013. High girl, 5218. Average, 3832. High girl for March, 4577.

Part No. .187 by .037: Her average, 4511. High girl, 6133. Average all others, 5124. High for March, 5120.

Q. You do not have the average or low for March, do you?

2510 A. In these instances here the average for March was made up of over 90 per cent of apprentice work.

Q. So it would not reflect any average?

A. It would not reflect any average.

Q. I see. Now, repeat the same operations for Joan Bis-

sonette. I believe that will cover all the girls concerning which you testified.

Mr. Swiren: I think he gave figures on Joan Bissonette before.

Mr. Keele: Correct.

Mr. Walsh: He gave some figures I have here, but supposing he put it all in now, and then when we go over the record we will have it all together.

The Witness: Part No. Q-40033—

Q. (By Trial Examiner Dudley.) Is that "Q" or "2"?

A. "Q". That could be left off.

Joan Bissonette's average for February was 1228. She was the only girl that worked on the part in February. That would mean that the high would be 1228. There were no others on the part in February. There was no average. The high girl in March was 1826, and the average of all the girls for March was 1540.

Part No. 40240: Her average for February, 1535. High girl in February, one other girl, 1641. No average in February. High girl in March, 2209. Average of all the 2511 girls in March, 1956.

Part No. 40527: Her average, 663. High girl, for February, 854. No average for February. High girl in March, 1397.

That is all.

Q. (By Mr. Walsh.) Do you have a March average?

A. No, we have no March average. Apparently that would be one item, 1397.

Q. Mr. Brown, the figures you have just given us as to each one of these girls about disk production represents their hourly rate of production, is that right?

A. That is right, their gross hourly rate.

Q. What do you mean by gross hourly rate? Are they reinspected, or something?

A. No, but in an inspection some parts are passed as being good and others are thrown out.

Q. I see.

A. In other words, it would be a different ratio if we would figure only the good parts inspected.

Q. Then these figures—Oh, I think I have it straight now. These figures reflect all of the parts they inspected.

A. All that they handled. In other words, it is an average. It would not be fair to judge—

Q. On the net result.

A. On the net result, no.

2512 Q. I see. Now, on the reopening of the plant were there any girls retained in that part who had a lower average or production than these girls concerning whom you have just testified about?

A. I don't believe so.

Q. You have no independent recollection of that, I take it?

A. No, I do not.

Q. Can you tell us the names of any girls still employed in that department?

A. No, I do not cover that thoroughly. I have too much other stuff to do.

Q. I see.

Mr. Walsh: That is all.

(Witness excused.)

MARY ATKINSON, called as a witness for the respondent, being first duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Keele.) Will you state your name, please.

A. Mary Atkinson.

Q. Where do you live, Miss Atkinson?

A. North Chicago, Illinois.

Q. You are an employe of the Fansteel Metallurgical Corporation?

A. Yes, sir.

Q. In what capacity are you employed?

2513 A. I am forelady of the inspection department.

Q. How long have you been there in that capacity, Miss Atkinson?

A. Since August 4th, 1908.

Q. As I understand it, the routine in that department calls for the turning in of the time ticket or time card each day showing the hourly production of each of the workers in your department, is that correct?

A. Yes, sir.

Q. And those cards are made up there in your department and checked by you?

A. Yes, sir.

Q. Each day?

A. Yes, sir.

Q. Those cards, after they have been checked and O. K.'d by you, are sent to the cost department, is that correct?

A. Yes, sir.

Q. Directing your attention to Marguerite Seifert, she was an employe of that department prior to February, 1937, was she not?

A. Yes, sir.

Q. Can you tell us something of her general efficiency or your reports on her efficiency?

A. Well, while Marguerite was not an old employe, she was not a very fast worker, and she was one that would
2514 never make out in that department and I had not intended to keep her, that is, unless we had become slack; I would not have kept her anyway, so when we were making the adjustments, I let her go then.

Q. Now, you are talking about adjustments. You refer to the interruptions of operations due to the seizure of the plant?

A. Yes, sir.

Q. And your immediate superior is the plant superintendent, is that correct?

A. My superior is Mr. Al Dow, although I am subject to the plant superintendent's instructions also.

Q. The reason for that is that being in an inspection department you report to a different official than the production people report to, is that correct?

A. Yes, sir.

Q. In other words, the production work is under Mr. Anselm, and, as a matter of fact, the routine, the inspection department, would naturally not report to him, but to someone else to be checked against his figures, is that correct?

A. That is correct.

Q. But, the plant superintendent has the employment problem?

A. Yes, sir.

Q. That is, the power to discharge and to hire, that
2515 is correct?

A. Yes, sir.

Q. All right. Now, at the time the plant was turned back to the company, or the buildings, by the sheriff, a reorganization of the personnel of the plant or factory was under way, was it not?

A. Yes, sir.

Q. Or was begun.

A. Yes, sir.

Q. What changes, if any, were made in your department as to the method of operation or the basis of pay? Was there any change made as to the hourly base. There was no change made there as to the piece work or hourly basis, was there?

A. No. We were always on an hourly basis.

Q. That is right. What instructions, if any, were given to you with reference to the restarting or rebuilding of the personnel of your department by Mr. Anselm and Mr. Dow?

A. I was asked to submit a list of names of the help I wanted returned to work, which I did.

Q. All right. Were the names of Marguerite Seifert, Vivienne Johnson, Fern Gartley and Joan Bissonnette on the list you submitted of those which you wished to return to work?

A. No, sir, they were not.

Q. All right. Now, why wasn't the name of Marguerite Seifert on that list?

2516 A. Well, she was not an efficient worker, and a new girl could be broken in and do practically the same as she did, so I didn't put her name on there.

Q. You testified a while ago something about her efficiency, didn't you?

A. Yes. She would never make a very efficient worker. We can generally tell those things, working with people so long.

Q. All right. But, she had been retained up to that time, at this time, because the production was heavy at that time, is that correct?

A. Yes, sir.

Q. Now, what would have occurred in her employment when the slack period came on, if it did come on, under normal conditions, that is, if there had been no interruption of operations?

A. Well, she would have been laid off and never recalled to work.

Q. Now, what was the reason you did not put the name of Vivienne Johnson on that list?

A. Well, she was a spasmodic worker. Some days she would work fairly well, and other days she would do very little, and she used to choose her own work and boss the other girls too much for her own good, and so for that reason she would not be taken back.

Q. What was the situation with reference to Fern Gartley?

2517 A. Several times I spoke to Fern about her lower grade of work and talked to her about it and I warned her I would have to leave her go if she did not do better work. She never made any improvement, so in making adjustments I didn't call her back.

Q. All right. What is the fact with reference to Joan Bissonnette?

A. Well, Joan Bissonnette had several let-down periods during the day. The quality of her work was fair, but she was very slow and didn't turn out very much and she needed supervision all the time. If I left the room she would quit her work immediately, and I didn't think she was a very trustworthy worker, so I didn't call her back.

Q. Now, as I understand it, there are two qualities relating to the efficiency of the work. One is the amount of work turned out, and the other is the quality of the work, in the sense of whether it is efficiently done, is that correct?

A. That is both considered.

Q. Whereas one person might turn out a tremendous amount of work, comparatively, though they might make a great many mistakes in going through the work, is that right?

A. Yes, that is right.

Q. So both things have to be considered, is that right?

A. Yes, sir.

2518 Q. Are these reasons you have given the only reasons that controlled you in leaving the names of these four girls off the list of those you wished to have back in your department?

A. Those reasons I have stated are the only reasons.

Q. Are these records concerning which you heard Mr. Brown testify—you heard him testify about them, did you not?

A. Yes, sir.

Q. Those records on which he stated he based his computations, are the records that passed through your hands each day.

A. Yes, sir.

Q. And you had been observing those records for some months?

A. Yes, sir.

Q. All right. Will you state whether or not the summary that he gave as to the general efficiency of these girls is about

in line or is not in line, whichever it is, with what they had been doing during the previous months of January and the month of December and the month of November?

A. I was pretty surprised when I saw his records, that they were just about as my opinion of the girls' work was.

Q. In other words, you had never made an actual computation of those conditions?

A. No, sir. I got the daily records and they are not averaged over the month, but they check with my estimation of the girls' work in the end.

Q. In other words, as you see these records day by day you form a general impression as to the degree or percentage of efficiency of the various girls in your department?

A. Yes, sir.

Q. How many girls are there in your department?

A. There are twenty.

Q. You have been doing this work since 1908, is that right?

A. Yes, sir.

Q. And you were surprised to learn, in other words, that those figures he gave checked pretty closely with your general impression of the efficiency of those girls, based on your observations of their work?

A. Yes, that is right.

Q. Would you say these four girls were the bottom four girls or at the top of the list of the girls in your department, so far as the efficiency of the different girls was concerned?

A. Yes, I would.

Q. Now, in considering the rebuilding of your department after February 26th, did any considerations of whether the persons who had worked for you should be recalled,—were any considerations based on whether or not they were members of Lodge 66?

A. No, sir.

Q. Did you know whether any of these girls were members of Lodge 66?

A. I did not.

2520 Q. Did you know whether any of the girls in your department were members of Lodge 66?

A. No, sir.

Q. Were you given any instructions by any one connected with the management with reference to discrimination against members of Lodge 66 in the re-employment program?

Mr. Walsh: I object to that, unless we know at what time the discrimination was practiced.

Q. (By Mr. Keele.) All right; at any time?

A. No, sir.

Q. Was anything said about it?

A. Not to me.

Q. Were all the girls whose names appeared on the list which you submitted to the management, re-employed, re-hired?

A. All but two.

Q. And those were Tilly Mesec and Isabelle Reckenwald, is that correct?

A. Yes.

Q. And they were asked to return, were they not?

A. Yes, sir.

Q. Do you know the circumstances concerning the requests to Tilly Mesec to return to work, who asked her, and so forth?

A. I asked Elsie Micklish, a neighbor of hers, to tell Tilly to return to work, and she said she wouldn't.

Q. Well, now you say "she said she wouldn't". Do 2521 you mean the girl reported back to you that Tilly Mesec said that?

A. Yes, Tilly Mesec said that.

Q. What is the situation with reference to Isabelle Reckenwald?

A. Miss Lang was told to tell her to return to work, and she informed Miss Lang she would not until it was all settled.

Q. Now, with the exception of those two girls, Tilly Mesec and Isabelle Reckenwald, was the list as submitted to the management complied with as far as re-employment was concerned?

A. Yes, sir.

Q. In other words, you got back every one of those that you asked for?

A. Yes, sir.

Q. And no one that you did not ask for was sent back?

A. No, sir.

Q. And if these two girls, concerning whom we have just talked, Tilly Mesec and Isabelle Reckenwald, had returned to work, as far as you were concerned, they would have been employed without conditions of any kind, is that correct?

A. Certainly.

Q. Now, some of the girls in that department who had

been working there on February 17th were asked to return, were they not, besides Tilly Mesec and Isabelle Recktenwald?

A. Yes, sir.

2522 Q. And they all came back to work who were asked except these two?

A. Yes, sir.

Q. Were any conditions imposed upon them as to anything so far as their affiliations were concerned, or their behavior, or anything of that kind?

A. No, sir.

Q. In other words, they were simply asked to return to work?

A. Yes, sir.

Q. And they all came back except Tilly Mesec and Isabelle Recktenwald, all of those who were asked, did they?

A. Yes, sir.

Q. Did you know anything as to the union affiliations or absence of union affiliations of the other girls that came back to work?

A. No, sir. I knew nothing about the union at all.

Q. What is the fact as to Tilly Mesec and Isabelle Recktenwald? Do you know whether or not they were members of Union Lodge 66?

A. No, I didn't then. I didn't know any of the girls were.

Q. You have learned since that Tilly Mesec and Isabelle Recktenwald are members of Lodge 66?

A. Yes, sir.

Q. You have seen a list of the girls in your department—
No, I will put it this way: You have seen a list of the
2523 membership of Lodge 66 pasted on the application
cards, have you not?

A. Yes, sir.

Q. When did you see those cards or that list?

A. Just a few days ago.

Q. Did you find on that list or among those cards the names of any girls who are now working in that department?

A. Yes, sir.

Q. How many? Do you recall?

A. I have two girls whose names were on that list.

Q. Do you know others who are working in other departments whose names appear on that list?

A. Yes, several.

Q. Did you ever talk with Joan Bissonette with reference to Lodge 66?

A. No, sir.

Q. Or Fern Gartley?

A. No, sir.

Q. Or Vivienne Johnson?

A. No, sir.

Q. Or Marguerite Seifert?

A. No, sir.

Q. I believe Joan Bissonette testified here that she had been criticized by you with reference to her attitude. Do you recall any instance of that nature?

2524 A. Well, there were different times that I talked to her about applying herself to her work. She seemed to do an unusual lot of loafing compared with the other girls in the department, and I talked to her at different times about that. I told her she could get more work out if she worked steadier. It never seemed to do any good.

Q. What would have occurred with reference to the employment of Joan Bissonette in the normal course of operations in your department had they not been interrupted by the events of February 17th?

A. Well, she would not have been let go then because we were very busy, but when we came to a slack time she would have been let out and not rehired.

Mr. Walsh: I object and move that the latter part of the answer be stricken out, as speculative.

Trial Examiner Dudley: I will allow it to stand.

Q. (By Mr. Keele.) Let me ask you this: Had the statement you just made as to what would have happened, had that been considered by you as a program, I mean, had you determined in your mind prior to February 17th to do that?

A. Yes, I had because she had provoked me so many times I intended to do that.

Q. And is that also true, and I mean by that, the answer you gave to the last question, is that also true of the other girls?

2525 A. Yes, sir.

Q. By that, I mean Marguerite Seifert, Vivienne Johnson, and Fern Gartley, and Joan Bissonette, is that right?

A. Yes, sir. Some of their work, and Joan, mostly by her attitude.

Mr. Keele: You may cross-examine.

Cross-Examination.

Q. (By Mr. Walsh.) You are a sister, I believe, of the deputy sheriff, are you not?

A. Yes, sir.

Q. He was on duty down at the plant at the time the trouble was on, was he not?

A. I believe he was.

Q. He was there most of the time, I think, wasn't he?

A. Well, I couldn't say as to that. I do not live with him. He is married and lives on the other side of town, and I don't know. I don't see him often.

Q. Did you ever discuss this union movement with anybody?

A. Anybody?

Q. Yes.

A. I probably have.

Q. Who have you discussed it with?

A. Well, that would cover several people, probably.

Q. Well, who down at the plant have you discussed it with?

A. Well, I couldn't say.

2526 Q. Well, just think a minute, and perhaps you can tell me who all you talked to down there about it.

A. Well, I wouldn't remember. I wouldn't mention any names. I probably talked to a lot of people, about it.

Q. You have been there since 1908 and you know practically all the people, I suppose, that have worked there during that time?

A. Several of them.

Q. Many of the men concerning whom this investigation is about have been employed there a great many years, have they not?

A. Yes, sir.

Q. You have been there yourself about 28 years, and I believe some of the men testified here that they had been there for twenty years, some twenty-two and some seventeen, so over the years, I presume you have become acquainted with all these people.

A. No, sir, not all of them.

Q. Well, I suppose you know the majority of them when you see them, do you not?

A. Several of them I know by sight, but not by name.

Q. Well, you know the Dreyer boys, do you?

A. Yes, sir.

Q. You probably know John Kondrath?

A. Yes, sir.

2527 Q. You know Carl Swanson?

A. Yes, sir.

Q. Did you ever discuss this union movement with Carl Swanson?

A. No, sir.

Q. Did you ever discuss the union movement with John Kondrath?

A. No, sir.

Q. Did you ever discuss it with Clarence Dreyer?

A. No, sir.

Q. Did you ever discuss it with Harold Dreyer?

A. I may have.

Q. As a matter of fact, you did, didn't you?

A. I talked with him about several subjects. I suppose it was the thing of the day.

Q. As a matter of fact, you talked to him about the union, didn't you?

A. I probably did.

Q. What did you tell him about the union?

A. I don't remember.

Q. Well, supposing I tell you what you said; would you remember that?

A. I don't know.

Q. Well, how do you suppose we could best refresh your memory, then?

2528 A. I don't know. I am quite dumb.

Q. Oh, I do not think you are very dumb. You have worked down there for 29 years, and you can't be that dumb.

Mr. Keele: Well, we have a lot of people down there that were very dumb.

The Witness: Don't expose me too much among my officials. My term may be up, if you do.

Q. (By Mr. Walsh.) Well, I know it is embarrassing to talk about these things among friends of yours, among your superior officers, but I would like to know what you and Harold said about this union.

A. Harold is not under my jurisdiction, and I feel free to talk anything to Harold. He and I were good friends and we talked about many things. Even his girl friends we talked about.

Q. Well, of course, that is not a matter under investigation right now. But you did discuss the union with Harold, did you not?

A. Yes, sir.

Q. When did you and Harold talk in reference to the union?

A. I couldn't tell you.

Q. Well, did you talk to him about his girl friends?

A. I would rather not embarrass Harold.

Q. Well, all right. If that will embarrass Harold, we will not go into that, but I would like to know what you
2529 said about the union.

A. I don't know.

Q. I believe you made some remarks about outsiders coming in, isn't that right?

A. I am very sorry, but I can't tell you.

Q. Well, does the name Hill Billy recall anything to you?

A. No, sir.

Q. Not a thing?

A. No, sir.

Q. As a matter of fact, didn't you say something about the Hill Billies coming in and taking over the plant, or something like that?

A. I never talked to Harold Dreyer since the strike.

Q. No, this was before the strike.

A. No, sir.

Q. And during the time the union was being organized.

A. Hill Billy is not a word that is in my vocabulary, and it sounds strange to me since you mention it.

Q. Did you ever hear of Mr. Mills who was helping with the organization of this lodge, being referred to as a Hill Billy?

A. No, sir.

Mr. Keele: Are you making that characterization of Mr. Mills, Mr. Walsh?

Mr. Walsh: No, I am not making it. I am just inquiring of the witness.

2530 Mr. Keele: Well, I should not interrupt. I apologize.

Q. (By Mr. Walsh.) Do you remember just when you had this discussion with Mr. Dreyer?

A. No, I wouldn't know that. I probably had several discussions with him.

Q. You felt no restraint about talking to him about this union?

A. No, sir. He was not under my jurisdiction, any more than what we were as friends; he was one of my friends.

Q. He has worked at the plant quite a while himself, hasn't he?

A. Certainly.

Q. Have you known him outside of the plant?

A. I never had occasion to meet Harold outside of the plant.

Q. I see. Can you fix the time of any of these discussions, that is, prior to the trouble? I understand you haven't talked with him since the trouble.

A. It may have been after working hours. I don't have time to discuss anything during working hours.

Q. Well, at any of these discussions—I take it, you knew he was active in the organization, did you not?

A. Certainly.

Q. And I believe you were not in sympathy with the movement, is that right?

A. Certainly.

2531 Q. I presume that during the course of these discussions you exercised a lady's prerogative and spoke your mind about it, is that right?

A. Yes, sir. That is permissible, isn't it?

Q. Well, that is quite all right. I just want to know what you said, that is all.

A. Well, I don't know myself.

Q. But, you were not in sympathy with the union movement, and having no control over Harold, you felt it free to discuss it with him.

A. Yes.

Q. And I presume in the course of those discussions you told him what you thought about this union movement, didn't you?

A. Yes.

Q. And what did you feel about it?

A. I would rather not say at this time.

Q. Well, I do not see how it would do any damage now. We just want to find out what the facts are, that's all.

A. Well, don't you already know?

Q. Well, I don't know what you said, and you raised the question about your own mental capacity. I didn't. I would like to know.

A. It is very blank at the moment. I wouldn't know.

Q. You mean you think your memory on this particular occasion is rather blank, is that right?

2532 A. Yes.

Q. Well, I don't believe you are telling me all you remember, what you told Harold, not all that you remember of what you told Harold.

A. Well, I didn't keep it in mind. I don't really remember. If I did I would probably tell you.

Q. You don't like the idea, or you didn't like the idea of outsiders coming around your plant; that is true, isn't it?

A. I don't remember anything about any outsiders. Anything said by Harold about that, I think he has given the wrong information if he has said that.

Q. Well, didn't you say you didn't like the idea of an outside union there?

A. Well, that is not individually. That is the union.

Q. Well, that is what I am referring to. You didn't like the idea of an outside union around there.

A. No. We always got along without one, and I didn't see any reason for one.

Q. You thought it was not a good idea for the men to get tangled up with someone on the outside, is that right?

A. Yes.

Q. And it was along that line that your conversation with Harold took place, was it?

A. Yes.

Q. Did you talk to any other men not under your
2533 jurisdiction along that same line?

A. No, sir.

Q. And Harold is probably the only one working there that you talked to, is that right?

A. He was on that particular side.

Q. Well, that is what I mean right now, yes.

A. Yes.

Q. And then you didn't discuss the question of the union with anybody but Harold, is that right?

A. That is correct.

Q. Now, I believe your production in your department is a little higher now than it was in the winter, isn't it?

A. Well, not right now. It has been.

Q. Since the resumption of business it has been a little heavier than it was before, hasn't it?

A. Yes, sir.

Q. How many girls do you have in your department now?

A. I think twenty.

Q. How many did you have before the trouble?

A. Oh, eighteen; sometimes more or less.

Q. Now, these four girls we are talking about; Marguerite Seifert, Vivienne Johnson, Fern Gartley and Joan Bissonette, they have all been replaced with apprentices, I presume.

A. There were two girls we did away with their jobs, but if they were efficient we could have transferred them.
2534 But, we didn't. They were not efficient.

Q. Which girls did you do away with, which jobs of those girls did you do away with?

A. Vivienne Johnson and Marguerite Seifert.

Q. No one has replaced their jobs?

A. No.

Q. Is that an operation that has been done away with entirely?

A. It was inspection on disks, and now we have the girls cutting disks, and they don't require as much inspection.

Q. As a matter of fact, the cutters inspect the disks themselves, don't they?

A. No, the girls assemble the parts.

Q. So you cut part of the contact in sections.

A. Part of it. Some parts we do inspect thoroughly and some parts don't require such a close inspection.

Q. Is the assembling under your jurisdiction?

A. No, sir.

Q. You just have the inspection, is that right?

A. Yes, sir.

Q. Now, was that done by Marguerite and Vivienne?

A. Yes.

Q. Now, Fern Gartley and Joan Bissonette, they are no longer required, their work is being done by new girls, is that right?

A. Yes. These other girls in the department do their work.

2535 Q. Had Fern Gartley been there very long?

A. I think it was three years, or something like that.

Q. Did she do more work than the apprentice girls did when they came on?

A. Well, about practically the same. But, Fern has never worked up to a good inspector.

Q. You felt in your mind she would never work up right, is that right?

A. No, she was too careless.

Q. I see. Now, Joan Bissonette's work is being done by a new girl, I take it?

A. Yes.

Q. And is she an apprentice also?

A. Yes, sir.

Q. Did she do more work than Joan Bissonette did, or does she do more work?

A. She does about forty per cent more than Joan Bissonette did.

Q. She has been on the job now how long?

A. Well, she did right at the beginning.

Q. She was very apt, was she?

A. Well, the first day she did even more work than Joan did.

Q. What led you to want Tilly Mesec and Isabelle Recktenwald back?

A. Well, they were average workers and Isabelle was fair.

2536 Q. That is Isabelle Recktenwald.

A. Yes. She could probably improve. She is a girl that I think would improve. Tilly was not so fast, she was a very good girl in the department.

Q. That is Tilly Mesec?

A. That is Tilly Mesec. She was easy to get along with. She had very bad eyesight and, of course, that was no fault of hers, but I intended to give her another chance and she refused.

Q. You knew at that time these girls were members of the Lodge, is that right?

A. No, sir.

Q. Well, you sent someone to see them and ask them to come back?

A. Yes, sir.

Q. And upon their refusal and your discovery they were members of the Lodge, would you still have them back in the department even though they were members of the union?

A. Why, certainly.

Q. You felt they would fit into the operation of the department as reorganized?

A. Certainly.

Q. And be all right, is that right?

A. Yes, sir.

Q. Now, how many apprentices do you have in the
2537 department now?

A. Five, I think.

Q. In the operation of the plant do you foremen have
meetings from time to time?

A. No, sir.

Q. You never had a foremen's meeting?

A. No, sir, I suppose we have had, but it is not a cus-
tomary occurrence.

Q. It is not customary?

A. No, sir.

Q. I presume you have known Mr. Anselm ever since he
has been with the company, too, have you not?

A. Yes, sir.

Q. Did you see him and talk to him after he returned on
September 8th?

A. Yes, I did.

Q. Did you advise him that the union from the outside
was getting in?

A. No, sir.

Q. You didn't?

A. I never talked union affairs to him.

Q. Did you ever talk to Mr. Aitchison?

A. No, sir.

Q. Now, you knew this union was getting in and you felt
it was not a good thing and you did not report that to
2538 your superior officer.

A. No, sir.

Q. Well, why didn't you report it?

A. Well, I was attending to my own business. They are
capable of knowing that themselves. I don't think I have to
talk like that to my superior officers.

Q. You felt Mr. Anselm was familiar enough with what
was going on so that he could find out himself, is that right?

A. Certainly.

Q. Do you know whether he did find out?

A. No, I don't.

Q. Have you told me everything you can remember about
what you said to Harold and what Harold said to you?

A. Did I tell you anything?

Q. Yes. You told me a lot.

A. Well, I told you we discussed everything and we dis-
cussed the union. I thought I had a perfect right to talk
to him. He isn't under my jurisdiction.

Q. I take it, your opinion has not changed any since you talked to Harold?

A. Certainly not. If I meet him again I will talk to him again about it.

Q. You will again speak your mind.

A. Certainly.

Q. Of course, that is a lady's privilege. Of course,
2539 I would like to extend to you the privilege of having the last word, and I would like to have you tell me what else you said about this union.

Mr. Block: I think that is objectionable. He has gone into that at least a dozen times. She has done the best she can.

Mr. Walsh: I think probably I will go into it a little longer, Mr. Block.

Mr. Block: Well, I don't know whether you will or not, but I am discussing the propriety of it. I don't know whether you will or not under the circumstances.

Trial Examiner Dudley: You can tell us anything else you remember about it.

The Witness: Well, I talked to Harold so many times I don't remember. I couldn't go into detail about the conversation. We have had arguments and all that about everything, but it never impressed me as being so important that I could remember it.

Q. (By Mr. Walsh.) Did these arguments get pretty heated?

A. Certainly. The next day we would greet each other with a good morning, and it was all right.

Q. Oh, that's all.

A. Well, it is all in a day's work. I had arguments with a lot of people in the plant.

Q. You argued with several people in the plant, is that right?

2540 A. (No response.)

Q. Joan Bissonette said you argued with her. Is that right?

A. I may have. She was under my jurisdiction. It was about her work probably.

Q. Well, of course, that was in the line of duty, correcting the mistakes she was making, because she was not applying herself to the job, is that right?

A. Yes.

Q. Did you argue with Frances Fellens?

A. No, she is not under my jurisdiction.

Q. Did you have any arguments with Vivienne Johnson?

A. No.

Q. Or with Marguerite Seifert?

A. No, sir.

Q. Or with Fern Gartley?

A. No, sir.

2541 Mr. Walsh: That is all.

Trial Examiner Dudley: We will take a short recess.

(Whereupon a recess was taken.)

Mr. Keele: Mr. Groll.